

REVISED CHARTER.

AN ACT

TO REDUCE THE CHARTER OF THE

CITY OF CHICAGO

AND THE

SEVERAL ACTS AMENDATORY THEREOF INTO ONE ACT,

AND TO

REVISE THE SAME.

APPROVED FEBRUARY 13th, 1863.

CHICAGO:

S. P. ROUNDS, BOOK AND JOB PRINTER, 46 STATE STREET.

1863.

PART FIRST.

CITY CHARTER AND OTHER ACTS

OF THE

GENERAL ASSEMBLY

OF

THE STATE OF ILLINOIS.

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CHARTER OF THE CITY OF CHICAGO.

AN ACT to reduce the Charter of the City of Chicago, and the several Acts amendatory thereof, into one Act, and to revise the same.

CHAPTER I. CITY AND WARD BOUNDARIES.

- " II. OFFICERS: THEIR ELECTION AND APPOINTMENT.
 - " III. POWERS AND DUTIES OF OFFICERS.
 - " IV. THE COMMON COUNCIL: ITS GENERAL POWERS AND DUTIES.
 - " V. THE TREASURY DEPARTMENT.
 - " VI. THE BOARD OF PUBLIC WORKS.
 - " VII. PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS.
 - " VIII. OF TAXATION.
 - " IX. COLLECTION OF TAXES AND ASSESSMENTS.
 - " X. THE POLICE DEPARTMENT.
 - " XI. THE POLICE COURT.
 - " XII. THE FIRE DEPARTMENT.
 - " XIII. SCHOOLS AND SCHOOL FUND.
 - " XIV. THE REFORM SCHOOL.
 - " XV. CHICAGO WATER WORKS.
 - " XVI. CHICAGO SEWERAGE WORKS.
 - " XVII. MISCELLANEOUS AND SUPPLEMENTARY.
-

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

CHAPTER I.

CITY AND WARD BOUNDARIES.

SECTION

- 1. Inhabitants incorporated; name and powers of the Corporation.
- 2. Corporate limits established.

SECTION

- 3. Three Divisions established; their boundaries.
- 4. Division into Wards.

SECTION 1. The inhabitants of all that district of country in the county of Cook and State of Illinois contained within

Corporate powers.

the limits and boundaries hereinafter prescribed, shall be a body politic under the name and style of the City of Chicago; and by that name sue and be sued, complain and defend, in any court; make and use a common seal and alter it at pleasure; and take and hold, purchase, lease and convey such real and personal or mixed estate as the purposes of the corporation may require, within or without the limits aforesaid.

Corporate
limits.

SEC. 2: The corporate limits and jurisdiction of the city of Chicago shall embrace and include within the same all of township thirty-nine north, range fourteen east of the third principal meridian, and all of sections thirty-one, thirty-two, thirty-three, and fractional section thirty-four in township forty north, range fourteen east of the third principal meridian; together with so much of the waters and bed of lake Michigan as lies within one mile of the shore thereof and east of the territory aforesaid.

North divi-
sion.

SEC. 3. All that portion of the aforesaid territory lying north of the centre of the main Chicago river and east of the centre of the north branch of said river, shall constitute the *North Division* of said city; all that portion of the aforesaid territory lying south of the centre of the main Chicago river and south and east of the centre of the south branch of said river and of the Illinois and Michigan canal, shall constitute the *South Division* of said city; and all that portion of the aforesaid territory lying west of the centre of the north and south branches of said river and of the Illinois and Michigan canal, shall constitute the *West Division* of said city.

South divi-
sion.

West divi-
sion.

Division into
sixteen
wards.

SEC. 4. The city of Chicago shall be divided into sixteen wards, as follows:

First Ward. All that part of the South Division of said city which lies south of the centre of the main Chicago river and north of the centre of Monroe street, shall be denominated the first ward.

Second Ward. All that part of the South Division of

said city which lies south of the centre of Monroe street and north of the centre of Harrison street, shall be denominated the second ward.

Third Ward. All that part of the South Division of said city which lies south of the centre of Harrison street and north of the centre of Sixteenth street, shall be denominated the third ward.

Fourth Ward. All that part of the South Division of said city which lies south of the centre of Sixteenth street, and east of the centre of Clark street and a line corresponding with the centre of the last named street projected southerly to the city limits, shall be denominated the fourth ward.

Fifth Ward. All that part of the South Division of said city which lies south of the centre of Sixteenth street, and west of the centre of Clark street and a line corresponding to the centre of the last named street projected southerly to the city limits, shall be denominated the fifth ward.

Sixth Ward. All that part of the West Division of said city which lies south of the centre of Van Buren street, and east of the centre of Jefferson street continued to the south branch of the Chicago river, shall be denominated the sixth ward.

Seventh Ward. All that part of the West Division of said city which lies south of the centre of Van Buren street, west of the centre of Jefferson street continued to the south branch of the Chicago river, and east of the centre of Morgan street continued to the south branch of the Chicago river, shall be denominated the seventh ward.

Eighth Ward. All that part of the West Division of said city which lies south of the centre of Van Buren street, and west of the centre of Morgan street continued to the south branch of the Chicago river, shall be denominated the eighth ward.

Ninth Ward. All that part of the West Division of said

city which lies south of the centre of Fourth street, west of the centre of Curtis street and Aberdeen street, and north of the centre of Van Buren street, shall be denominated the ninth ward.

Tenth Ward. All that part of the West Division of said city which lies south of the centre of Randolph street, east of the centre of Curtis street and Aberdeen street, and north of the centre of Van Buren street, shall be denominated the tenth ward.

Eleventh Ward. All that part of the West Division of said city which lies south of the centre of Fourth street, east of the centre of Curtis street, and north of the centre of Randolph street, shall be denominated the eleventh ward.

Twelfth Ward. All that part of the West Division of said city which lies north of the centre of Fourth street continued to the north branch of the Chicago river, shall be denominated the twelfth ward.

Thirteenth Ward. All that part of the North Division of said city which lies north of the centre of North avenue, shall be denominated the thirteenth ward.

Fourteenth Ward. All that part of the North Division of said city which lies south of the centre of North avenue and north of the centre of Division street, shall be denominated the fourteenth ward.

Fifteenth Ward. All that part of the North Division of said city which lies south of the centre of Division street, and north of the centre of Huron street continued to lake Michigan and to the north branch of the Chicago river, shall be denominated the fifteenth ward.

Sixteenth Ward. All that part of the North Division of said city which lies south of the centre of Huron street continued to lake Michigan and to the north branch of the Chicago river, and north of the centre of the main Chicago river, shall be denominated the sixteenth ward.

CHAPTER II.

OFFICERS: THEIR ELECTION AND APPOINTMENT.

SECTION

1. Officers composing the city government.
2. Division of wards into election districts.
3. Time of municipal election; publication of notice.
4. Commencement of term of office.
5. Officers elected by the people; their term of office.
6. Election of aldermen and constables.
7. Wards entitled to two aldermen; their term of office; divided into classes; vacancies, how created and filled.
8. A tie to be determined by lot.
9. Board of public works and board of police; election of commissioners; their term of office; vacancies, how supplied; qualification of commissioners.
10. Removal of commissioners; mode of procedure.
11. Board of education, how constituted; election of inspectors and their term of office.
12. Guardians of reform school; their appointment and term of office.
13. Assessors; their qualification and appointment.

SECTION

14. Inspectors of election, how appointed.
15. Bridge-tenders, bridewell keeper, and bellmen, how appointed.
16. Officers appointable by the mayor with the advice of the council; their term of office; appointments to fill vacancies.
17. Officers removable by the council; charges to be preferred; mode of trial.
18. Vacancy in office of mayor; other vacancies.
19. Official bonds, when to be filed; no city officer to be taken as surety.
20. Who qualified to hold office; special disability.
21. Elections, how conducted; opening and closing of the polls; returns; clerk to notify persons elected.
22. Qualification of electors; challenge; oath to be taken.
23. Electors, when exempt from arrest; illegal voting punishable.

SECTION 1. The municipal government of the city shall consist of a common council, composed of the mayor, and two aldermen from each ward. The other officers of the corporation shall be as follows:

Officers of
city govern-
ment.

A clerk, a comptroller, a board of public works, a city engineer, a board of police, a superintendent of police, a school agent, a board of education, a superintendent of schools, a board of guardians of the reform school, a commissioner of the reform school, a counsel to the corporation, a city attorney, a treasurer, a collector, a city physician, a board of assessors, two or more police justices, a clerk of the police court, one chief, and a first and second assistant engineers of the fire department, one or more harbor masters, one inspector of fish, three inspectors of elections for each ward or election precinct, and as many bridge-tenders, firemen, constables, policemen, sealers of weights and measures, inspectors, measurers, weighers, gaugers, keepers and assist-

ants of workhouses, hospitals and bridewell or house of correction, bellmen, and such other officers and agents as may be provided for by this act or the common council may, from time to time, direct.

Election districts.

SEC. 2. The common council may divide the wards of said city into so many and such convenient election districts as to the said common council shall seem proper. Each ward or district shall constitute an election precinct, and the inspectors of election and the places for holding elections therein, for city, town, county and state officers, shall be appointed by the common council. All elections for state, county and town officers in said wards and precincts shall be conducted, and returns thereof made to the county or town clerk, as provided by the law regulating state, county and town elections. And whenever at any election it shall appear that there have been more than six hundred votes polled in any election precinct, it is hereby made the duty of the common council, at least two months before the recurrence of another election, to divide such precinct into two or more districts, and appoint places for holding elections therein.

Elections for state, county and town officers.

Municipal election.

SEC. 3. The municipal election in said city shall be held on the third Tuesday of April in each year, at which time there shall be elected by the qualified voters of said city, all officers to be elected at the general municipal election. Six days' previous public notice of said election shall be given by the city clerk, by publication in one or more newspapers published in said city, and no special election shall be hereafter held in said city, for the election of city officers, except as in this act provided.

Notice of election.

Commencement of municipal year.

SEC. 4. The municipal officers to be chosen at the annual election, shall enter upon the duties of their respective offices on the first Monday of May succeeding their election.

Officers elected by the people.

SEC. 5. The mayor, city attorney, treasurer, collector, clerk of the police court, and chief and first and second assistant engineers of the fire department shall be elected by the

people, and shall hold their respective offices for the term of two years, and until their successors shall be elected and qualified. The person having the highest number of votes cast in the whole city for either of such offices, shall be declared elected.

SEC. 6. At the annual municipal election, the electors in their respective wards shall vote for one alderman and one constable, and the persons receiving the highest number of votes cast in the ward for such offices respectively, shall be declared elected.

Officers elected
by wards.

SEC. 7. The several wards of the city shall be respectively represented in the common council by two aldermen, who shall be residents thereof, and who shall, except as herein otherwise provided, hold their offices respectively for two years from and after the first Monday in May next succeeding their election. They shall be divided into two classes, each class consisting of one alderman from each ward. The seats of the first class shall be vacated at the end of the first year, and of the second class at the expiration of the second year, so that one alderman from each ward may be annually elected. In all cases where two aldermen are to be chosen from the same ward at any annual election, the alderman having the highest number of votes shall be declared elected for two years, and the candidate having the next highest number of votes, for one year; and in case of the two successful candidates having an equal number of votes, the term of service to which they shall be respectively entitled, shall be determined by the casting of lots in the presence of the common council, and the result shall be entered upon their proceedings. If any alderman remove from the ward represented by him, or shall engage or continue in any service, business or employment causing a continuous absence from the city for more than four months, his office shall thereby become vacant; and whenever any vacancy shall occur in the office of any alderman, the common council shall, within ten days after the happening of such vacan-

Aldermen
elected for
two years.

Divided into
classes.

Vacancies,
how created
and filled.

cy, order a new election, provided that more than six months of the term shall then remain unexpired.

A tie, how decided.

SEC. 8. Whenever there shall fail to be an election of any officer voted for by the people, in consequence of two or more candidates receiving the highest and an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, and the result shall be entered upon their proceedings.

Board of public works and board of police, how constituted.

SEC. 9. The board of public works and the board of police shall each consist of three commissioners, in addition to the mayor, who shall be chosen by the people, one from the North, one from the South, and one from the West Divisions of said city. The person having the highest number of votes in the whole city for either of such offices shall be declared elected. Said commissioners, when elected, shall hold their office, the commissioners of the board of public works for the term of six years, and the police commissioners for the term of three years, and until the election and qualification of their successors. The term of office of one commissioner of each board shall expire every year and every second year respectively, so that one commissioner shall be elected to the board of police every year and to the board of public works every second year from the division of the city in which the commissioner resides whose term of office expires. Should

Term of office.

a vacancy occur, it shall be filled by appointment by the mayor, with the advice and consent of the common council of said city, until the next regular city election, when the qualified voters of said city may, as in other cases, fill such vacancy by an election of a successor, who shall hold his office for the unexpired term; said commissioners shall be elected in the same manner as is provided for the election of general city officers, by general ticket, by the qualified voters of the whole city; and no person shall be elected a commissioner of either of said boards, unless he has been a resident of said city at least three years, and a resident free-

Vacancies, how filled.

Qualification of commissioners.

holder in the division of said city for which he is elected at least one year immediately preceding his election.

SEC. 10. Any commissioner of the board of public works or of the board of police, may at any time be removed from office for any misdemeanor, malfeasance or delinquency in office, by the judge of the circuit court of Cook county, on charges in writing, to be presented against him by the mayor or the common council. On the hearing before said judge, witnesses may be produced and sworn, both in support of the allegations and against them. Five days' notice shall be given to such member, by service of a copy of such charges. The judge may proceed to hear such allegations, either in term time or in vacation, and may adjourn such hearing from time to time. No member of either of said boards shall perform any duties as such member, while such allegations are pending against him.

Removal of
commission-
ers.

Mode of pro-
cedure.

SEC. 11. The board of education shall consist of fifteen school inspectors, to be elected by the common council, on or before the first Monday of June next. The said board shall be divided into three classes, of five members each; those of the first class shall vacate their seats at the expiration of the first year; those of the second class at the expiration of the second, and those of the third class at the expiration of the third year; and the common council shall annually, on or before the first Monday of June, elect five inspectors to succeed those whose term of office expires. The inspectors so elected shall hold their offices for three years from the said first Monday of June.

Board of edu-
cation, how
constituted.

Their elec-
tion, and
term of office.

SEC. 12. The board of guardians of the reform school shall consist of the comptroller and six guardians, to be appointed by the mayor, by and with the advice and consent of the common council. Said board shall be divided into three classes of two members each; those of the first class shall vacate their seats at the expiration of the first year; those of the second class at the expiration of the second, and those of the third class at the expiration of the third

Guardians of
reform
school.

Their appointment and term of office.

year. There shall be appointed annually, on or before the first Monday of June, two guardians to succeed those whose term of office expires. The guardians so appointed shall hold their offices for three years from the said first Monday of June, and until the appointment and qualification of their successors.

Assessors, their qualification and appointment.

SEC. 13. The board of assessors shall consist of three assessors, who shall be freeholders in said city, one from each of the three divisions of the city, who shall be appointed on the second Monday of May in each year, or as soon thereafter as may be, and continue in office one year. The common council may increase the number of assessors so that said board shall consist of two members from each division of the city, if they think proper.

Inspectors of election.

SEC. 14. The inspectors of election shall be appointed annually by the common council, at least ten days before the annual municipal election.

Bridge-tenders and bridewell keeper.

SEC. 15. All bridge-tenders, keepers and assistants of work-houses, bridewell or house of correction, and bellmen, shall be appointed annually, by the mayor, and shall be removable at the pleasure of the mayor or common council.

Other officers, their mode of appointment and term of office.

SEC. 16. All other officers mentioned in this act, and not otherwise specially provided for, shall be appointed by the mayor, by and with the advice and consent of the common council, biennially, on or before the second Monday of May, or as soon thereafter as may be, and shall respectively continue in office two years from the said second Monday of May, and until the appointment and qualification of their successors. Officers elected or appointed to fill vacancies, shall respectively hold for the unexpired term only, and until the election or appointment and qualification of their successors.

Officers to fill vacancies.

Removals from office.

SEC. 17. Every person appointed to any office by the common council, or by the mayor with the advice and consent of the common council, and every person elected to any office by the people, for whose removal from office no other

provision has been specially provided by this act, may be removed from such office by a vote of two-thirds of all the aldermen authorized by law to be elected. But no officer shall be removed except for cause, nor unless furnished with the charges and heard in his defense, and the common council shall have power to compel the attendance of witnesses and the production of papers when necessary for the purposes of such trial, and shall proceed, within ten days, to hear and determine upon the merits of the case, and if such officer neglect to appear and answer to such charges, then the common council may declare the office vacant; and any officer may be suspended until the disposition of charges, when preferred.

Charges to be preferred.

Trial.

Suspension.

SEC. 18. When any vacancy shall happen by death, resignation, removal or otherwise, in the office of mayor, such vacancy shall be filled by a new election, and the common council shall order a new election within ten days after the happening of such vacancy, provided more than six months of the term shall then remain unexpired. Any vacancy occasioned by the death, removal, resignation or refusal to serve, of any other city officer elected by the people, or appointed by the mayor with the advice and consent of the common council, may be filled by appointment by the mayor, with the advice and consent of the council, except in cases where a different provision is herein specially made for filling such vacancy. The common council, with the like exception, may fill any vacancy occurring in any office, to which, by this act, they have the power of election or appointment.

Vacancy in office of mayor, how filled.

Other vacancies.

SEC. 19. All city officers who are required, by the provisions of this act, or by any legal ordinance passed by the common council, to give bonds for the faithful performance of their official duty, shall file their bonds with the city clerk within fifteen days after their election or appointment, and he shall record the same, when approved, in a book kept for that purpose. When bonds are not filed with the city clerk within fifteen days after the votes shall have been offi-

Official bonds, when to be filed.

cially canvassed, or after the appointment shall have been made, the person so in default shall be deemed to have refused said office, and the same shall be filled by appointment as in other cases. If, in any case, any official bond so filed, shall not be approved, the officer filing the same shall furnish a new and satisfactory bond within fifteen days after such disapproval, and in case of failure so to do, he shall be deemed to have refused said office, and the same shall be filled as above provided. No alderman or other city officer shall be taken as surety upon any bond, note or other obligation made to the city. No city officer, required to give bond as aforesaid, shall enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by this act provided.

No city officer to be taken as surety.

Eligibility to office.

SEC. 20. All citizens of the United States, qualified to vote at any election held under this act, shall be qualified to hold any office created by this act, except in cases where a different provision has been herein especially made, but no person shall be eligible to any office or place under this or any other act in relation to said city, who is now or may hereafter be a defaulter to said city, or to the State of Illinois, or any county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over to the party authorized to receive the same, any public money which may have come into his possession. And if any person holding any such office or place shall become a defaulter whilst in office, the office or place shall thereupon become vacant.

Public defaulter disqualified.

Elections, how conducted.

SEC. 21. The manner of conducting and voting at elections to be held under this act, and contesting the same, the keeping of the poll lists, canvassing of the votes and certifying the returns, shall be the same, as nearly as may be, as is now or may hereafter be provided by law at general state elections: *Provided*, the council shall have power to regulate elections. The voting shall be by ballot, and the

inspectors of elections shall take the same oath and shall have the same power and authority as inspectors of general elections. The polls shall be opened by the inspectors at eight o'clock in the morning, and kept open until seven o'clock in the evening, and every violation of this provision shall subject the inspectors so offending to a penalty of one hundred dollars. After the closing of the polls, the ballots shall be counted in the manner required by law, and the returns shall be returned sealed to the city clerk within three days after the election, and thereupon the common council shall meet and canvass the same, and declare the result of the election. It shall be the duty of the clerk to notify all persons elected or appointed to office, of their election or appointment, and unless such persons shall respectively qualify within fifteen days thereafter, the offices shall become vacant.

Polls, when
to be opened
and closed.

Returns.

Notice to offi-
cers elected.

SEC. 22. No person shall be entitled to vote at any election under this act, who is not entitled to vote at state elections, and has not been a resident of said city at least six months next preceding the election; he shall moreover have been an actual resident of the ward or election precinct in which he votes, for thirty days previous to the election, and if required by any person qualified to vote thereat, shall take the following oath before he is permitted to vote: *Provided*, that the voter shall be deemed a resident of the ward in which he is accustomed to lodge:

Qualification
of voters.

"I swear, (or affirm,) that I am of the age of twenty-one years, that I am a citizen of the United States, (or was a resident of this state at the time of the adoption of the Constitution,) and have been a resident of this state one year, and a resident of this city six months immediately preceding this election, and am now, and have been for thirty days last past, a resident of this ward, (or election precinct,) and have not voted at this election."

Oath.

And if required by any legal voter, such voter shall also swear or affirm to his place of residence, specifying the particular place and house in which he resides, and stating how long he has there resided, and his business or employment,

Voter, if re-
quired, to
specify his
place of resi-
dence.

and if he has not resided in such house for thirty days immediately preceding such election, he shall state where and in what house he has resided for the last thirty days. No further evidence of the right to vote shall be required in any case, at any municipal or other election.

Exemption
from arrest
on election
day.

Illegal vot-
ing.

SEC. 23. The persons entitled to vote at any election held under this act, shall not be arrested on civil process within said city upon the day on which said election is held, and all persons illegally voting at any election under this act, shall be punishable according to the laws of this state.

CHAPTER III.

POWERS AND DUTIES OF OFFICERS.

SECTION.

1. Officers to be sworn before entering upon their duties.
2. Duties of mayor; his salary; shall be a member ex-officio of the boards of police and public works; may administer oaths.
3. Veto power of mayor.
4. Acting mayor, when and how appointed.
5. Members of the council, ex-officio fire wardens and conservators of the peace; exempted from jury duty.
6. Clerk to keep seal and records; certified copies made evidence; may administer oaths.
7. Duties of counsel to the corporation and city attorney.
8. Duties of assessors.
9. Duties of harbor master.
10. Duties of fish inspector.
11. Constables to give bond; their liabilities; powers.

SECTION.

12. Duties of city physician.
13. Other duties of officers may be prescribed by council; their compensation and bonds.
14. Certain officers to give bond; conditions thereof.
15. Corporation newspaper; publication of ordinances and other proceedings.
16. Refusal to deliver official papers; penalty.
17. Officers to be commissioned by warrant.
18. Salaries to be established by council.
19. Fees received by salaried officers to be paid into the treasury.
20. Payment of salaries.
21. Recorder's salary.
22. Guardians of reform school and members of board of education to serve without compensation; not to be interested in contracts.

Oath of office

SECTION 1. Every person chosen or appointed to an executive, judicial, or administrative office under this act, shall, before he enters on the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer before whom it was taken, with the city clerk.

Mayor's du-
ties.

SEC. 2. The mayor shall preside over the meetings of the common council and take care that the laws of the state and

the ordinances of the city, are duly enforced, respected and observed, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the common council such information, and recommend such measures, as he may deem advantageous to the city. He shall have a salary of thirty-five hundred dollars per annum in full compensation of all official services devolved upon him by this or any subsequent act. He shall be a member *ex-officio* of the board of police and of the board of public works, and shall be clothed with all the power and authority and be subject to all the general duties and responsibilities of a commissioner of each of said boards: *Provided, however*, that he shall not act as a commissioner of the board of public works in making any special assessment for any public work or improvement, nor shall he be required to give a bond to the city as a member of either of said boards. The mayor shall likewise have power, *ex-officio*, to administer any oath authorized to be taken by the laws of this state.

Salary.

Ex-officio member of boards of police and public works.

To administer oaths.

SEC. 3. Every act, ordinance or resolution, passed by the common council, before it shall take effect and within five days after its passage, shall be presented, duly certified by the city clerk, to the mayor for his approbation. If he approve, he shall sign it, if not he shall return it with his objections in writing to the city clerk, and the clerk shall submit said objections to the common council at their next regular meeting, who shall enter said objections upon their record, and proceed to reconsider the matter, and if, after such reconsideration, two-thirds of all the members elected shall agree to pass the same, it shall take effect as an act or law of the corporation. If the mayor shall not return any act, ordinance or resolution so presented to him, within five days, it shall take effect in the same manner as if he had signed it.

Mayor's veto

SEC. 4. In case of a vacancy in the office of mayor, or of his being unable to perform the duties of his office, by reason

Vacancy in office of mayor or.

of absence or sickness, the common council shall appoint by ballot one of their number to preside over their meetings, whose official designation shall be acting mayor. And the alderman so appointed shall be vested with all the powers and perform all the duties of mayor until the mayor shall resume his office, or the vacancy be filled by a new election.

Acting mayor.

Members of council to be fire wardens.

Exemption.

City clerk, his duties.

SEC. 5. The members of the common council shall be fire wardens and conservators of the peace, and shall be exempted from jury duty during their term of office.

SEC. 6. The clerk shall keep the corporate seal, and make a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall also have power to administer any oath authorized to be taken by the laws of this state.

Counsel to the corporation and city attorney, their duties.

SEC. 7. The counsel to the corporation shall be the chief officer of the law department of the city. He shall, with the assistance of the city attorney, and subject to the directions of the comptroller, conduct all the law business of the corporation and of the departments thereof, and all other law business in which the city shall be interested, when so ordered by the corporation. Said officers shall hold their office in such place as the city may provide, and, when required, shall furnish written opinions upon subjects submitted to them by the mayor or common council, or any other department of the municipal government. The city attorney shall keep a docket of all the cases to which the city may be a party in any court of record, in which shall be briefly entered all steps taken in each cause, and which shall, at all times, be open to the inspection of the mayor, comptroller, or any committee of the common council. It shall also be the duty of said officers to draft all ordinances, bonds, contracts, leases, conveyances, and such other instruments

Attorney to keep a docket.

of writing as may be required by the business of the city ; to examine and inspect tax and assessment rolls, and all proceedings in reference to the levying and collection of taxes and assessments ; and to perform such other duties as may be prescribed by the charter and ordinances of the city.

SEC. 8. The board of assessors shall perform all the duties in relation to the assessing of property, for the purpose of levying the taxes imposed by the common council. In the performance of their duties they shall have the same powers as are or may be given by law to county or town assessors, and be subject to the same liabilities.

Assessors,
their powers
and duties.

SEC. 9. It shall be the duty of the harbor master to enforce all ordinances, and provisions of this act, in relation to the harbor.

Harbor mas-
ter, his du-
ties.

SEC. 10. It shall be the duty of the fish inspector to inspect all pickled or salted fresh-water fish sold or received for sale, or on consignment, in the city of Chicago. Any person or persons bringing or causing to be brought to the city of Chicago, for the purpose of sale, any fresh-water fish, shall have the same duly inspected by the said inspector before such fish shall be sold or in any way disposed of ; and it shall be the duty of every person having such fish in his possession, for the purpose of selling or of dealing in the same, and of every consignee having fish on consignment, before the said fish shall be sold or in anywise disposed of, to give notice to the inspector, and have such fish duly inspected and branded ; and for this purpose, such person shall arrange the packages in a convenient manner, and have them in some suitable place. It shall be the duty of the inspector, on due application of any person or persons having such fish in possession, to repair to the place of deposit of such fish, if the same shall be within the limits of the city of Chicago, and inspect the same with as little delay as possible. The said inspector shall procure sealed weights, and carefully weigh all fish offered for inspection ; and to entitle said inspector to grant a certificate of due inspection, or to

Fish inspec-
tor, his du-
ties.

Weight of packages.	brand the packages as duly inspected, he shall first find that the contents and weights of the several packages are as follows, viz: Each barrel shall contain 200 lbs.; each half barrel shall contain 100 lbs.; each quarter barrel shall contain 50 lbs.; and each eighth barrel shall contain 25 lbs.
Brand.	Such inspector shall, also, on branding any package of fish, plainly and distinctly mark on the head of each package, in some indelible manner, the kind, quantity and quality of fish contained in each package, respectively, together with his name and the year and month in which the same shall have been inspected.
Fees.	The inspector shall be entitled to the following fees for the performance of his duties, viz: For unheading, heading, weighing, repacking, brining, and inspecting and branding each barrel, 20 cents; each half barrel, 10 cents; each quarter barrel, 5 cents; each extra hoop, 5 cents; each extra head, 20 cents. The inspector shall not put his brand upon any package of fish, as duly inspected, unless the same be well hooped and headed, and in all respects sufficient to retain brine, and also be in good shipping condition.
Record.	He shall keep a record of the number of packages and sizes, and of the kinds and qualities of fish, and for whom inspected, each year; and shall make a report of the same to the common council, on the first day of January in each year.
Office.	He shall keep an office at a convenient place, on or near the Chicago river, which shall be kept open during business hours, and in which the inspector shall at all times have some person, during his absence, to receive orders.
Inspector prohibited from dealing in fish.	No person holding the office of fish inspector for said city of Chicago, nor shall his employees or assistants, or either of them, buy or sell, or deal in, or in anywise be interested, in any fish sold or received for sale in the city of Chicago.
Bond.	He shall, before entering on the discharge of the duties of his said office, give bond, with two good and sufficient sureties, in the penal sum of five thousand dollars, and running to the people of the State of Illinois, and conditioned that he will well and

faithfully perform the duties of said office and satisfy all damages that may legally be demanded of him by virtue of the provisions hereof. Any fish inspector violating, refusing or failing to comply with any of the provisions of this section, so far as they are made incumbent upon him, shall, for every offence, be liable to a fine of not less than five dollars nor more than one hundred dollars; which said fine may be collected in the name and for the use of the city of Chicago; and shall also be subject to immediate removal from office. Said inspector shall have the right to appoint and remove at pleasure, one or more assistants, who shall have the same right to brand all packages inspected by either of them in the name of said inspector; but each assistant shall have some distinctive mark, with which he shall designate each package inspected by himself, so as to indicate by whom the inspection was actually made; and the said inspector shall have the right to take bond, with sufficient penalty and security, running to himself, from each of the assistants appointed by himself, and of the same tenor, as the bond herein required to be executed by said inspector; and the said inspector shall be liable for the acts of his said assistants, and may sue on the bonds of any of them, to recover any damages that he may have suffered, by reason of their misfeasance or malfeasance. The said inspector shall have the right to sue, in any court having jurisdiction of the action, for his fees for services performed, either by himself or his assistants by virtue hereof.

Penalties.

Power to appoint assistants.

Bond of assistants.

SEC. 11. Every person appointed or elected to the office of constable, shall, before he enters upon the duties of his office, with two or more sureties to be approved by the common council, execute, in presence of the clerk of the city, an instrument in writing by which such constable and securities, shall jointly and severally agree to pay to each and every person who may be entitled thereto, all such sums of money as the said constable may be liable to pay by reason or on account of any summons, execution, distress warrant,

Constables to give bond.

or other process which shall be delivered to him for collection. The clerk shall certify the approval of the common council on such instrument and file the same; and a copy certified by the clerk, under the corporate seal, shall be presumptive evidence, in all courts, of the execution thereof by such constable and his sureties; and all actions thereon shall be prosecuted within two years after the expiration of the year for which the constable named therein shall have been appointed or elected, and may be brought in the name of the person or persons entitled to the money collected by virtue of such instruments. No constable appointed or elected under this act, shall have power to serve any civil process out of the city limits, except in cases of persons fleeing therefrom, and to commit on execution, where the defendant shall have been arrested within the city.

Actions
thereon, how
brought.

Powers of.

City physi-
cian, his du-
ties.

SEC. 12. The city physician shall attend and administer to all sick persons confined in any police station-house, bride-well, work-house, house of refuge or other city prison, and shall attend to such other duties as may be prescribed by the board of health or common council.

Council may
impose other
duties.

SEC. 13. The common council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers appointed or elected to any office under this act, whose duties are not herein specifically mentioned, and fix their compensation. They may also require bonds to be given to the city of Chicago by all officers, for the faithful performance of their duties.

May require
bonds.

Certain offi-
cers to give
bonds.

SEC. 14. The comptroller, treasurer, collector, and school agent, shall severally, before they enter on the duties of their respective offices, execute a bond to the city of Chicago, in such sum, and with such sureties, as the common council shall approve; conditioned that they shall faithfully execute the duties of their offices, and account for and pay over all moneys and other property received by them; which bonds,

How condi-
tioned.

with the approval of the common council, certified thereon by the clerk, shall be filed with the clerk.

SEC. 15. The common council, at their annual meeting on the first Monday in May, in each year, or within not to exceed thirty days thereafter, shall designate one public newspaper printed in said city, in which shall be published all ordinances, and other proceedings and matters required in any case by this act, or by the by-laws and ordinances of the common council, to be published in the corporation newspaper. And if the proprietors of the newspaper so designated, shall at any time during the year suspend the publication thereof, or decline longer to publish said proceedings, another newspaper shall be designated in its stead. The common council may also, in its discretion, provide for the publication of said ordinances and other proceedings, or such portion of the same as it may think proper, in some newspaper printed in the German language.

Corporation newspaper, how designated.

SEC. 16. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, papers, and effects of every description in his possession belonging to said city, or appertaining to the office he held, he shall forfeit and pay for the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver. And such successor shall, and may recover possession of the books, papers and property appertaining to his office, in the manner prescribed by the laws of this state.

Officers to transfer official papers.

Penalty.

Successor may recover possession thereof.

SEC. 17. All persons elected or appointed to any office under this act may be commissioned by warrant under the corporate seal, signed by the mayor or presiding officer of the common council, and clerk.

Officers, how commissioned.

SEC. 18. The common council may by ordinance, establish salaries, as a fixed compensation for all officers of said city whose salaries are not named herein, and may provide for their removal from office, in case they receive or retain

Salaries to be established by council.

other or greater fees than so paid or fixed by the corporation for their services.

Fees received
by salaried
officers to be
paid into
treasury.

SEC. 19. All fees, perquisites and emoluments of office whatever, by way of compensation for the performance of any official duty or duties, are hereby expressly prohibited to be retained by any officer whose compensation is provided to be paid by a salary, to be fixed by the common council under this act; and all fees, perquisites and emoluments whatever, received or paid, or payable, to any officer, justice of the peace, mayor, clerk, attorney, collector, treasurer, commissioner of public works, comptroller, or other person, whose compensation is to be so paid by a fixed salary, shall belong to, and be paid by such person or persons, into the treasury of said city, the same as all other revenues belonging thereto; and any violation of this provision shall subject the offender to removal from his office, and the amount received by him shall be recoverable by action of debt or assumpsit, in favor of said city.

Salaries, how
payable.

SEC. 20. All salaries shall be payable monthly or quarterly out of the appropriate fund, voted by the common council to pay the same, upon the warrant of the comptroller, as in other cases.

Recorder's
salary.

SEC. 21. The common council shall have power to pay to the recorder of the city of Chicago, such compensation from time to time as said council may deem proper, in addition to the salary prescribed by law.

Guardians of
reform school
and members
of board of
education to
serve with-
out compen-
sation.

SEC. 22. No member of the board of guardians of the reform school, or of the board of education, shall receive any compensation for any services he may perform, nor shall any teacher, agent or employee of either board sell, dispose of or be interested in any articles purchased, or work done, for the school or schools. Nor shall he be interested in any contract, loan, or anything else whereby he may receive any commission, interest, or other profits from the fund appropriated to the reform school or public schools, under the penalty of having his office immediately declared vacant by the common council.

CHAPTER IV.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION

1. Mayor and aldermen constitute the common council; to determine time and place of meetings; mayor to preside; in his absence, any alderman; quorum.
2. No member to receive any compensation, hold any lucrative office, or be interested in any contract.
3. To hold stated meetings; special meetings, how called; to determine rules of proceedings; be the judge of the election of its members, and compel their attendance.
4. Ordinances, petitions and communications to be referred to committees; report of committee to be deferred and published on request of two aldermen.

SECTION

5. No vote to be reconsidered at special meetings unless as many are present as when such vote was taken.
6. Power to require reports from city officers.
7. On all ordinances to appropriate money, impose taxes or borrow money, the ayes and noes to be taken; the votes of a majority of the board requisite to their passage.
8. Council to have general control of finances and property; enumeration of powers.
9. Power to establish cemeteries and make regulations therefor; the board of public works to superintend the grounds; sale of lots; penalty for violation of rules and regulations.

SECTION 1. The mayor and aldermen shall constitute the common council of said city. The common council shall meet at such times and places as they shall by resolution direct. The mayor, when present, shall preside at all meetings of the common council, and shall have only a casting vote. In his absence any one of the aldermen may be appointed to preside. A majority of the persons elected as aldermen shall constitute a quorum.

Common council, how constituted.

President.

Quorum.

SEC. 2. No member of the common council shall, during the period for which he was elected, receive any compensation for his services, or be appointed to, or be competent to hold, any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract, the expenses or consideration whereof are to be paid under any ordinance of the common council.

No member shall receive compensation, &c.

SEC. 3. The common council shall hold stated meetings, and the mayor or any two aldermen may call special meetings

Council to hold stated meetings.

To determine its own rules and be judge of the election of members.

by notice to each of the members of said council, served personally, or left at his usual place of abode. Petitions and remonstrances may be presented to the common council, and the council shall determine the rules of its own proceedings, and be the judge of the election and qualifications of its own members, and have power to compel the attendance of absent members.

Ordinances to be referred to committees.

SEC. 4. All ordinances, petitions and communications to the common council, shall, unless by unanimous consent, be referred to appropriate committees, and only acted on by the council at a subsequent meeting on the report of the committee having the same in charge. Any report of a committee of the council may be deferred to the next regular meeting of the same, and the publication of said report in the corporation newspaper required, by request of any two aldermen present.

Report of committee to be deferred and published on request of two aldermen.

Reconsideration.

SEC. 5. No vote of the common council shall be reconsidered or rescinded at a special meeting unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

Power to require reports from city officers.

SEC. 6. The common council shall have power to require from any officer of said city, at any time, a report in detail of the transactions in his office, or of any other matter by said council deemed necessary.

Yeas and nays required in certain cases.

SEC. 7. Upon the passage of all orders, ordinances or resolutions appropriating money, imposing taxes, or authorizing the borrowing of money, the yeas and nays shall be entered on the record of the common council, and a majority of the votes of all the aldermen entitled to seats in the board shall be necessary to their passage.

Council to control finances.

SEC. 8. The common council shall have, subject to the provisions hereinafter contained, the general management and control of the finances, and all the property, real, personal and mixed, belonging to the corporation, and shall likewise have power within the jurisdiction of the city, by ordinance:

General powers.

First. To lease the wharfing privileges of the river, at the ends of streets, upon such terms and conditions as may be usual in the leasing of other real estate, reserving such rents as may be agreed upon, and employing such remedies in case of non-performance of any covenants in such lease, as are given by law in other cases. But no buildings shall be erected thereon; nor shall a lease for a longer period than three years at any time be executed; and the owner or owners of the adjoining lot or lots, shall, in all cases, have the preference in leasing such property; and a free passage over the same for all persons with their baggage shall be reserved in such lease: *Provided*, nothing in this section shall be so construed as to impair or prejudice any rights which any person may have acquired by the acceptance of any proposition heretofore made by said city respecting the wharfing privileges.

To lease wharfing privileges.

Restrictions.

Proviso.

Second. To remove and prevent all obstructions in the waters which are public highways in said city, and to widen, straighten and deepen the same.

River obstructions.

Third. To prevent and punish forestalling and regrating and to prevent and restrain every kind of fraudulent device and practice.

Forestalling, &c.

Fourth. To restrain and prohibit, all descriptions of gaming and fraudulent devices, and all playing of dice, cards and other games of chance, with or without betting.

Gaming.

Fifth. To regulate the selling, or giving away of any ardent spirits by any shop keeper, trader or grocer, to be drunk in any shop, store or grocery, outhouse, yard, garden, or other place within the city.

Ardent spirits.

Sixth. To forbid the selling or giving away of ardent spirits or other intoxicating liquors, to any child, apprentice or servant without the consent of his or her parent, guardian, master or mistress.

Furnishing to children, &c.

Seventh. To license, regulate and restrain, tavern keepers, grocers and keepers of ordinaries or victualing or other houses or places, for the selling or giving away, wines and

Sale of liquors, &c.

other liquors, whether ardent, vinous or fermented.

Billiard tables, &c.

Eighth. To license, tax, regulate, suppress and prohibit, billiard tables, pin alleys, nine or ten pin alleys, and ball alleys.

Hackmen, &c.

Ninth. To license, regulate and suppress, hackmen, draymen, carters, porters, omnibus drivers, cabmen, carmen, and all others, whether in the permanent employment of any individual, firm, or corporation, or otherwise, who may pursue like occupations with or without vehicles, and prescribe their compensation.

Auctioneers, &c.

Tenth. To tax, license and regulate, auctioneers, distillers, brewers and pawn brokers, and all keepers or proprietors of junk shops and places for the sale or purchase of second-hand goods, wares or merchandise.

Peddlers.

Eleventh. To license, tax, regulate and suppress, hawkers and peddlers.

Showmen, &c.

Twelfth. To regulate, license, suppress and prohibit, all exhibitions of common showmen, shows of every kind, concerts or other musical entertainments, by itinerant persons or companies, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements.

Theatres.

Licenses.

Thirteenth. To authorize the mayor, or other proper officer of the city, to grant and issue licenses, and direct the manner of issuing and registering thereof, and the fees to be paid therefor: *Provided*, That no license shall be granted for more than one year; and that not more than five hundred dollars, shall be required to be paid for any license under this act, and the fee for issuing the same shall not exceed one dollar, but no license for the sale of wines or other liquors, ardent, vinous or fermented, at wholesale or retail, or by inn-keepers or others, as aforesaid, shall be less than fifty dollars.

Proviso.

Fee.

Bond required.

Bond may be taken on the granting of license for the due observance of the ordinances or regulations of the common council.

Fourteenth. To prevent any riot, or noise, disturbance or disorderly assemblage. Riots.

Fifteenth. To suppress and restrain disorderly houses and groceries, and houses of ill fame, and to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming. Disorderly houses.

Sixteenth. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of said city. Unwholesome and nauseous houses.

Seventeenth. To direct the location and management of, and regulate and license breweries, tanneries and packing houses, and to direct the location, management and construction of, and regulate, license, restrain, abate, and prohibit within the city, and the distance of four miles therefrom, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as can or may be rendered; and all establishments or places where any nauseous, offensive or unwholesome business may be carried on: *Provided*, that for the purposes of this section the Chicago river and its branches, to their respective sources, and the land adjacent thereto, or within one hundred rods thereof, shall be deemed to be within the jurisdiction of the city. Breweries, slaughter houses, &c.

Eighteenth. To establish and regulate markets and other public buildings, and provide for their erection and determine their location. Markets and public buildings.

Nineteenth. To regulate, and license or prohibit butchers, and to revoke their licenses, for malconduct in the course of trade, and to regulate, license, and restrain the sale of fresh meats and vegetables in the city, and restrain and punish the forestalling of poultry, fruit and eggs. Butchers, &c.

Twentieth. To direct and prohibit the location and man- Gunpowder.

agement of houses for the storing of gun powder, or other combustibile and dangerous materials within the city.

Same. *Twenty-first.* To regulate the keeping and conveying of gun powder and other combustibile and dangerous materials, and the use of candles and lights in barns, stables and out-houses.

Horseracing, &c. *Twenty-second.* To prevent horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding, or driving, as aforesaid, to be stopped by any person; and punish or prohibit the abuse of animals; to compel persons to fasten their horses, oxen, or other animals, attached to vehicles, or otherwise, while standing or remaining in the street.

Encumbering streets. *Twenty-third.* To prevent the encumbering of the streets, side walks, lanes, alleys, public grounds, wharves and docks, with carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, fire wood, posts, awnings, signs, or any substance or material whatever.

Bathing, indecent exposure, &c. *Twenty-fourth.* To regulate and determine the times and places of bathing and swimming in the canals, rivers, harbor or other waters, in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

Vagrants. *Twenty-fifth.* To restrain and punish vagrants, mendicants, street beggars, and prostitutes.

Impounding. *Twenty-sixth.* To restrain, and regulate, or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, and geese, and to authorize the distraining, impounding, and sale of the same for the penalty incurred, and the cost of the proceedings; and also to impose penalties on the owners of any such animals, for a violation of any ordinances in relation thereto.

Dogs. *Twenty-seventh.* To prevent and regulate the running at large of dogs, to tax, and to authorize the destruction of the same when at large contrary to the ordinance.

es, &c. *Twenty-eighth.* To prevent and regulate the rolling of

hoops, playing of ball, flying of kites, or any other amusement, or practice, having a tendency to annoy persons passing in the streets, or on the side walks, or to frighten teams and horses.

Twenty-ninth. To make regulations to prevent the introduction or spread of contagious diseases into the city; to make quarantine laws, and enforce the same within the city, and not to exceed fifteen miles beyond the city bounds. Quarantine.

Thirtieth. To control and regulate the streets, and alleys, and to remove, and abate, any obstructions and encroachments therein. Streets and alleys.

Thirty-first. To compel all persons to keep the snow, ice, and dirt from the side walk, in front of the premises owned or occupied by them. Snow, &c., on side walks.

Thirty-second. To prevent the ringing of bells, blowing of horns, and bugles, crying of goods, and all other noises, performances, and devices, tending to the collection of persons, on the streets, or side walks, by auctioneers, or others, for the purposes of business, amusement or otherwise. Noises, &c.

Thirty-third. To abate and remove nuisances, and punish the authors thereof, by penalties, fine and imprisonment, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of jurisdiction to abate and remove nuisances, in the streets, or any other parts of said city, or within its jurisdiction, by indictment or otherwise. Nuisances.

Thirty-fourth. To license, regulate and restrain runners for boats and stages, cars and public houses. Runners.

Thirty-fifth. To regulate the burial of the dead, and registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others, for any default in the premises. Burials, bills of mortality.

Thirty-sixth. To regulate and prohibit the keeping of any lumber yard, and the placing, piling or selling lumber, timber, Lumber, wood, &c.

wood or other combustible material within the fire limits of said city.

Inspectors of lumber. *Thirty-seventh.* To regulate the measuring and inspecting of lumber, shingles, timber, posts, staves and heading, and all building materials, and appoint one or more inspectors.

Fish. *Thirty-eighth.* To regulate the place and manner, of selling pickled and other fish.

Hay. *Thirty-ninth.* To regulate the weighing, and place and manner, of selling hay; and the cutting and sale of ice, and to restrain the sale of such ice as is impure.

Wood and coal. *Fortieth.* To regulate the measuring of wood and the weighing and selling of coal, and the place and manner of selling the same.

Inspection of flour, pork, &c. *Forty-first.* To regulate the inspection of flour, meal, pork, beef, and other provisions, and salt to be sold in barrels, hogsheads and other packages.

Inspection of liquors. *Forty-second.* To regulate the inspection of whisky and other liquors, to be sold in barrels, hogsheads, and other vessels.

Inspectors. *Forty-third.* To appoint inspectors, weighers, gaugers, and regulate their duties and prescribe their fees.

Bread. *Forty-fourth.* To regulate the sale of bread within said city, and prescribe the weight of bread in the loaf and the quality of the same.

Public pumps, wells, &c. *Forty-fifth.* To regulate public pumps, wells, and cisterns, hydrants and reservoirs, and to prevent the unnecessary waste of water.

Pounds. *Forty-sixth.* To establish and regulate public pounds.

Lamps. *Forty-seventh.* To erect lamps, and regulate the lighting thereof.

Ferries. *Forty-eighth.* To regulate and license ferries.

Steam cars. *Forty-ninth.* To regulate and prohibit the use of locomotive engines within the city, and require railroad cars to be propelled by other power than that of steam; to direct and control the location of railroad tracts, and to require railroad

companies to construct, at their own expense, such bridges, tunnels, or other conveniences, at public railroad crossings as the common council may deem necessary; also to regulate the running of horse-rail-way cars, the laying down of tracks for the same, the transportation of passengers thereon, and the kind of rail to be used.

Railroad crossings.

Horse-rail-way cars.

Fiftieth. To erect and establish, either within or without the corporate limits of the city, a bridewell or house of correction, and purchase grounds therefor, pass all necessary ordinances for the regulation thereof, and appoint a keeper and as many assistants as may be necessary. In the said bridewell or house of correction, shall be confined all vagrants, stragglers, idle or disorderly persons who may be committed thereto, by any criminal court, or magistrate, in and for the city, and all persons sentenced to said bridewell or house of correction by any criminal court, or magistrate, in and for the city, for any assault and battery, petit larceny, or other misdemeanor punishable by imprisonment in any county jail; and all persons confined therein may be kept at labor or in solitary confinement.

Bridewell.

Persons committed to bridewell.

Fifty-first. To require every merchant, retailer, trader, and dealer in merchandise or property of any description, which is sold by measure or weight, to cause their weights and measures to be sealed by the city scaler, and to be subject to his inspection; the standard of which weights and measures shall be conformable to those now established by law.

Weights and measures to be sealed.

Fifty-second. Exclusively to erect and construct, or to permit or cause, or procure to be erected and constructed, float, pivot, or draw bridges, over the navigable waters within the jurisdiction of said city, and keep the same in repair: said bridges to have draws of suitable width.

Bridges.

Fifty-third. To preserve the harbor; to prevent any use of the same, or any act in relation thereto, inconsistent with, or detrimental to; the public health, or calculated to render the waters of the same, or any part thereof, impure

Harbor.

Speed of ves-
sels.

or offensive, or tending in any degree to fill up or obstruct the same; to prevent and punish the casting or depositing therein any earth, ashes, or other substance, filth, logs, or floating matter; to prevent and remove all obstructions therein, and punish the authors thereof; to regulate and prescribe the mode and speed of entering and leaving the harbor, of passing the bridges, and of coming to, and departing from, the wharves and streets of the city, by steamboats, canal boats, and other crafts and vessels, and the disposition of the sails, yards, anchors, and appurtenances thereof, while entering, leaving, or abiding in the harbor, and to regulate and prescribe by such ordinances, or through their harbor master or other authorized officer, such a location of every canal boat, steamboat, or other craft, or vessel, or float, and such changes of station in, and use of, the harbor, as may be necessary to promote order therein, and the safety and equal convenience, as near as may be, of all such boats, vessels, crafts, and floats; and to impose penalties not exceeding one hundred dollars for any offense against any such ordinance; and by such ordinance charge such penalties, together with such expenses as may be incurred by the city in enforcing this section, upon the steamboat, canal boat, or other vessel, craft, or float. The harbor of the city shall include the piers and so much of lake Michigan as lies within the distance of one mile into the lake, and the Chicago river and its branches to their respective sources.

Penalties.

What consti-
tutes harbor.

Streets, al-
leys, bridges,
walks, &c.

Fifty-fourth. To control, regulate, repair, amend and clear the streets and alleys, bridges, side and cross walks, and open, widen, straighten, and vacate streets and alleys, and establish and alter the grade thereof, and prevent the encumbering of the streets in any manner, and protect the same from any encroachments and injury.

Ornamental
trees.

Fifty-fifth. To direct and regulate the planting and preserving ornamental trees in the streets and public grounds.

Draining and
cleansing of
yards, &c.

Fifty-sixth. To fill up, drain, cleanse, alter, relay, repair, and regulate any grounds, yards, barns, slips, cellars,

private drains, sinks, and privies, direct and regulate their construction, and cause the expenses to be collected in the manner hereinafter provided.

Fifty-seventh. To erect and establish one or more pest houses, hospitals or dispensaries, and control and regulate the same. Pest-houses, hospitals, &c.

Fifty-eighth. To abate all nuisances which are, or may be injurious to the public health, in any manner they may deem expedient. Nuisances.

Fifty-ninth. To do all acts and make all regulations which may be necessary or expedient, for the preservation of health, and the suppression of disease. Health.

Sixtieth. To prevent any person from bringing, depositing, or having within the limits of said city any dead carcase, or any other unwholesome substance, and to require the removal or destruction by any person who shall have, place, or cause to be placed, upon or near his premises, any such substance, or any putrid or unsound beef, pork, or fish, hides or skins of any kind; and on his default, to authorize the removal or destruction thereof, by some officer of said city. Putrid substances, removal of, &c.

Sixty-first. To authorize the taking up and provide for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, and growing up in mendicancy, ignorance, idleness, and vice. Mendicant children, education of, &c.

Sixty-second. To lease or purchase, improve and maintain suitable grounds, either within or without the corporate limits of said city, for a house of refuge and correction, to erect buildings thereon, and adopt such rules and regulations for the government thereof, and the punishment of juvenile offenders therein, as may from time to time be deemed expedient. House of refuge.

Sixty-third. To authorize the arrest, fine and imprisonment in the city bridewell or house of correction, as vagrants, of all persons, who not having visible means to maintain themselves are without employment, idly loitering or ram- Vagrants and idlers.

Trespassers,
beggars, &c. bling about, or staying in groceries, drinking saloons, houses of ill-fame or houses of bad repute, gambling houses, railroad depots or fire engine houses, or who shall be found trespassing in the night time upon the private premises of others, or begging, or placing themselves in the street or other thoroughfares or public places to beg or receive alms;

Gamesters. also keepers, exhibitors, or visitors at any gaming table, gambling house, house for fortune telling, places for cock fighting, or other places of device; and all persons who go

Swindlers. about for the purpose of gaming or watch stuffing, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any place where public or private schools are held either on week day or Sabbath, or places where religious worship is held.

Other general powers.

Sixty-fourth. To make, publish, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good government and order of the city, and the trade and commerce thereof, as may be necessary or expedient to carry into effect the powers vested in the common council, or any officer of said city, by this act; and enforce observance of all rules, ordinances, by-laws, and police and other regulations, made in pursuance of this act, by penalties not exceeding one hundred dollars for any offense against the same. The common council may also enforce such rules, ordinances, by-laws, and police and other regulations, as aforesaid, by punishment of fine or imprisonment in the county jail, bridewell, or house of correction, or both, in the discretion of the magistrate or court, before which conviction may be had: *Provided*, such fine shall not exceed five hundred dollars, nor the imprisonment six months.

Penalties.

Cemeteries.

SEC. 9. The common council is hereby authorized to purchase for said city such tracts of land without the city limits, for the purpose of establishing cemeteries for the interment of the dead therein, as they may think necessary,

which shall be exempt from taxation under any law of this state; and they are also authorized and empowered to pass and enforce such ordinances, rules and regulations with regard to the improvement, preservation, laying out, and ornamenting the same, and the sale of burial places or lots for the interment of the dead therein, as they may deem proper. The ground or grounds so laid out shall be placed under the superintendence of the board of public works of said city, and the lots which may be laid out and sold shall, with the appurtenances, forever be exempt from execution and attachment. As soon as said grounds are regulated and laid out, a map or plat thereof shall be made out by the board of public works, and a copy thereof filed in the comptroller's office, who shall have charge of the sale and disposition of all lots therein, under the ordinances and regulations of the common council. The proceeds of such sales shall be paid into the city treasury, and be credited and charged on the books of the treasury department to a "cemetery fund," to be kept distinct from all other funds of said city. The said common council is also fully empowered and authorized to provide for the punishment, by ordinance, of all persons who shall, without said city limits, be guilty of any violation of the regulations, rules and ordinances, established by said city in relation to such cemeteries; and such violations may be punished by fine and imprisonment, as in other cases, by any court of competent jurisdiction within said city, and all process issued for the arrest of any person or persons guilty of such violation, may be executed without said city limits, by any officer or constable thereof, the same as if such offense had been committed within the boundaries of the corporation.

Regulation
of.Superintend-
ence of.

Sale of lots.

Penalties.

CHAPTER V.

THE TREASURY DEPARTMENT.

SECTION

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3. Appointment of comptroller; his compensation and bond.
4. Comptroller to keep account of all appropriations, expenditures and receipts.
5. Comptroller to have supervision over all receiving and disbursing officers; his general powers and duties.
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SECTION

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44. Common council authorized to provide for the appointment of a city auditor; his general duties defined.

Officers of the department.

SECTION 1. There is hereby established an executive department of the municipal government of said city, to be known as the "Treasury Department," which shall embrace the city comptroller, the city treasurer and the city

collector, and all such clerks and assistants, including an auditor, as the common council may, by ordinance, see fit to prescribe and establish.

SEC. 2. The said treasury department shall have control of all the fiscal concerns of the said corporation, except as herein otherwise provided, and shall prescribe the forms of keeping and rendering all city accounts whatever; and all accounts rendered to or kept in the several departments of the city government shall be subject to the revision and inspection of the officers of this department. Its general duties.

SEC. 3. There shall be appointed by the mayor, with the advice and consent of the common council, some discreet and able accountant to be styled the city comptroller, who shall be chief of said treasury department, and hold his office until removed or a successor be appointed, who shall receive such compensation for his services as may be established by law, and who shall be removable at all times at the pleasure of the mayor with the concurrence of the common council, and he shall give bonds with securities to the amount of not less than one hundred thousand dollars, and the amount of his bond may be increased to such sum as may be fixed by the common council; said bond to be approved by the common council, and filed in the city clerk's office and entered on record. He shall also be sworn the same as other officers to the faithful discharge of the duties of his office. Appointment of comptroller. Bond required. Oath of office.

SEC. 4. The comptroller shall open and keep in a neat, methodical manner, a complete set of books, under the direction of the mayor and finance committee of the common council, wherein shall be stated, among other things, the appropriations of the year for each distinct object and branch of expenditure, and also the receipts from each and every source of revenue so far as he can ascertain the same. Said books and all papers, vouchers, contracts, bonds, receipts and other things kept in said office shall be subject to the examination of the mayor, the members of the com- Books to be kept by comptroller. Subject to examination.

mon council or any committee or committees thereof.

Comptroller's supervision over receiving and disbursing officers.

His general powers and duties.

SEC. 5. The comptroller shall be charged with, and shall exercise a general supervision over, all the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues, and the collection and return of such revenues into the city treasury. He shall be the fiscal agent of said city, and as such shall have charge of all deeds, mortgages, contracts, judgments, notes, bonds, debts, choses in action, belonging to said city, except such as are confided by this act to the custody of the board of public works or city clerk, and shall possess and carefully preserve all assessment and tax warrants, except warrants for the collection of water rents or assessments, and the returns thereof made by any collector or receiver of taxes and assessments, and all leases of markets, wharfing privileges and other public property of said city. He shall also have supervision over the city debts, contracts, bonds, obligations, loans, and liabilities of the city, the payment of interest, and over all the property of the city, and the sale or the disposition thereof; over all legal or other proceedings in which the interests of the city are involved, and with the approval of the mayor to institute or discontinue such proceedings, and to employ additional counsel in special cases where he thinks the city interests require it, and generally in subordination to the mayor and common council, to exercise supervision over all such interests of said city, as in any manner may concern or relate to the city finances, revenues and property.

Comptroller to examine and audit accounts.

SEC. 6. The comptroller shall have power to examine all accounts, claims and demands for or against the city; and no money shall be drawn from the treasury, or paid by the city to any person, except as herein otherwise provided, unless the balance due or payable be first settled and adjusted by the said comptroller; and for the purpose of ascertaining the true state of any balance or balances so due, he shall have and he is hereby clothed with full power and

Power to administer oaths to claimants.

authority to administer an oath or oaths to the claimant or claimants, or any other person or persons whom he may think proper to examine as to any fact, matter or thing concerning the correctness of any account, claim or demand presented, and the person so sworn shall, if he swear falsely, be deemed guilty of wilful and corrupt perjury, and be subject to punishment accordingly, the same as in all other cases.

SEC. 7. All money found to be due and payable by the comptroller to any person, shall be drawn for by said comptroller by warrant on the treasurer, which shall be countersigned by the mayor, stating therein the particular fund or appropriation to which the same is chargeable and the person to whom payable; but if said comptroller should, upon any examination of any account as aforesaid, still doubt as to ^{the} correctness, he shall submit the same to the mayor and finance committee for their decision thereon, which decision shall be binding upon the city and filed among his other vouchers in the comptroller's office; and no money shall be drawn from the treasury, except on the warrant of the comptroller drawn as aforesaid.

Warrants on the treasury, how drawn.

Doubtful claims to be submitted to mayor and finance committee.

SEC. 8. It shall be the duty of said comptroller as nearly as may be, to charge all officers in the receipt of revenues or moneys of the city, with the whole amount from time to time of such receipts; and he shall countersign all tax and assessment warrants for the collection of revenue, issued under any ordinance or law of the city by virtue of which money is receivable or to be received or paid into the city treasury, except warrants for the collection of water rents or assessments, charging the proper officer the amount collectable thereon. He shall also require of all officers in receipt of city moneys that they shall submit reports thereof with vouchers and receipts of payment therefor, into the city treasury weekly or monthly, or as often as he shall see fit to require the same by any regulation which he may adopt, and if any such officer shall neglect to make an adjustment of his accounts when so required as aforesaid, and to pay

Receiving officers to be charged with moneys collected.

Weekly or monthly reports required of them.

Notice to delinquent officers.

over such moneys so received, it shall then be the duty of the said comptroller to issue a notice in writing, directed to such officer and his securities, requiring him or them within ten days to make settlement of his said accounts with the comptroller, and to pay over the balance of moneys found to be due and in his hands belonging to said city, according to the books of said comptroller ; and in case of the refusal or neglect of such officer to adjust his said accounts, or pay over said balance to the treasury as required, it shall then be the duty of the said comptroller to make report of the delinquency of such officer to the mayor, who shall at once suspend him from office ; and the mayor shall thereupon proceed forthwith to institute the necessary proceedings for the removal of such officer ; and he is hereby authorized, in case of such suspension, to appoint, with the concurrence of the common council, some other person to exercise the functions of said office while such proceedings are pending.

Removal of defaulters.

Comptroller's annual financial statement.

SEC. 9. The comptroller shall make out an annual statement for publication, in the month of April in each year, before the annual election, giving a full and detailed statement of all the receipts and expenditures during the year ending the first day of said month. The said statement shall also detail the liabilities and resources of said city, the condition of all unexpended appropriations and contracts unfulfilled, and the balances of money then remaining in the treasury, with all sums due and outstanding ; the names of all persons who may have become defaulters to the city, and the amount in their hands unaccounted for, and all other things necessary to exhibit the true financial condition of the city ; which statement, when examined and approved by the finance committee, shall be published by him in the corporation newspaper.

Publication.

Comptroller's annual estimate of city expenses

SEC. 10. The said comptroller shall, also, on or before the fifteenth day of May in each year, before the annual appropriations are made by the common council, submit to the same a report of the estimates necessary, as nearly as

may be, to defray the expenses of the city government during the current fiscal year, commencing on the first day of April; he shall, in said report, class the different objects and branches of said city expenditure, giving, as nearly as may be, the amount required for each; and for this purpose he is authorized to require of all city officers and heads of departments, their statements of the condition and expense of their respective departments and offices, with any proposed improvement and the probable expense thereof, of contracts already made and unfinished, and the amount of any unexpended appropriations of the preceding year. He shall also, in such report, show the aggregate income of the preceding fiscal year from all sources; the amount of liabilities outstanding upon which interest is to be paid, and of bonds and city debts payable during [the] year, when due, and where payable, so that the common council may fully understand the money exigencies and demands of the city for the current year.

SEC. 11. In addition to the other duties of the comptroller of said city, it is hereby made his duty on or before the tenth day of each and every month, to make out a monthly statement, giving a full and detailed statement of all moneys received and from what sources, and on what account received, and of all moneys ordered to be paid, or drawn for by warrant by him, and on what account the same have been paid, for the month preceding that in which such statement is made, and the said comptroller shall cause the said monthly statement to be published in the corporation newspaper of said city, before the fifteenth day of each month, and shall deliver a true copy of such statement to the said common council at their next meeting.

Monthly
statement of
receipts and
expendit
ures.

Publication.

DUTIES OF THE TREASURER.

SEC. 12. The city treasurer shall receive all moneys belonging to the city, and shall keep his office in some place to be designated by the common council, appropriated to the

Duties of
treasurer.

keeping of such office, in the treasury department. He shall keep his books and accounts in such manner as the city comptroller or common council may prescribe, and such books and accounts shall be always subject to the inspection of said comptroller and the finance committee.

Warrants,
how drawn.

SEC. 13. All warrants drawn upon the treasurer must be signed by the comptroller and countersigned by the mayor, stating therein the particular fund or appropriation to which the same is chargeable, and the person to whom payable, and no money shall be otherwise paid than upon such warrants so drawn.

Accounts.

SEC. 14. He shall keep a separate account of each fund or appropriation, and the debits and credits belonging thereto.

Receipts.

SEC. 15. He shall give every person paying money into the city treasury a duplicate receipt therefor, specifying the date of payment, upon what account paid; and he shall also file copies of such receipts with the city comptroller at the date of his monthly reports.

Monthly
statement.

SEC. 16. The treasurer shall, at the end of each and every month, and oftener if required, render an account to the comptroller, under oath, showing the state of the treasury at the date of such account, and the balance of moneys in the treasury. He shall also accompany such account with a statement of all moneys received into the treasury, and on what account, together with all warrants redeemed and paid by him, which said warrants, with any and all other vouchers held by him, shall be delivered over to the comptroller, and filed with his said account in the comptroller's office upon every day of such settlement. He shall return all warrants paid by him stamped or marked "paid;" and shall give a list of said warrants, stating the number and amount of each.

Warrants to
be returned.

Care and cus-
tody of city
moneys.

SEC. 17. The treasurer may be required to keep all moneys in his hands belonging to the city, in such place or places of deposit as the common council may by ordinance provide, order, establish or direct. Such moneys shall be kept dis-

inct and separate from his own moneys ; and he is hereby expressly prohibited from using, either directly or indirectly, the corporation money or warrants in his custody and keeping, for his own use and benefit, or that of any other person or persons whomsoever ; and any violation of this provision shall subject him to immediate removal from office by the mayor, with the concurrence of the common council, who are hereby authorized to declare said office vacant ; and the mayor, in case of said removal, shall nominate a successor, who shall be appointed to said office upon the confirmation of the said common council, and hold his office for the remainder of the unexpired term of such officer so removed.

Treasurer prohibited from using them.

SEC. 18. The treasurer shall also report to the common council, annually, in the month of April, before the election, and oftener if required, a full and detailed account of all receipts and expenditures during the preceding fiscal year, and the state of the treasury. He shall also keep a register of all warrants redeemed and paid during the year, describing such warrants, their date, amount, number, the fund from which paid, and persons to whom paid, specifying also the time of payment ; and all such warrants shall be examined at the time of the making such annual report to the common council by the finance committee, who shall examine and compare the same with the books of the comptroller, and report discrepancies, if any, to the common council.

Treasurer's annual report.

SEC. 19. All moneys received on any special assessment shall be held by the treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made ; and said money shall be used for no other purpose whatsoever.

Special assessment funds.

SEC. 20. The treasurer shall give bond with sureties to the amount of not less than two hundred thousand dollars, and the amount of his bond may be increased to such sum as may be fixed by the common council ; said bond to be approved by the common council, and filed in the clerk's office, and entered on record. He shall also be sworn the

Treasurer's bond.

same as other officers to the faithful discharge of the duties of his office.

CITY COLLECTOR.

Duties of collector.

SEC. 21. It shall be the duty of the city collector to collect all taxes and assessments which may be levied by said city, and perform such other duties as may be herein prescribed, or ordained by the common council. He shall keep his office in such place as may be designated and provided by the common council, appropriated to the keeping of such office in the treasury department, and shall keep in said office, besides his collection and revenue warrants, such other books, vouchers, records and accounts as the comptroller may, by regulation of the department, direct and prescribe, which books and records, with all other papers, shall remain in and pertain to said office, and be handed over to the successor or successors of said officer, or be deposited in the office of the comptroller.

Collector's books and papers.

SEC. 22. All the city collector's papers, books, warrants and vouchers shall be examined by, and the same are hereby placed under the supervision of the comptroller, together with the finance committee; and the said collector shall, daily, on receipt of the same, pay over all moneys collected by him of any person or persons to the city treasurer, taking his receipt therefor, which said collector shall immediately file in the comptroller's office.

To pay over daily all moneys received.

Weekly reports.

SEC. 23. The city collector shall make report, in writing under oath to the comptroller, weekly, or oftener if required, of the amount of all moneys collected by him; the account upon which collected, and shall file with him the vouchers or receipts of the treasurer for the amount so collected. He shall also in the month of April in each year, before the annual election, submit to the common council and finance committee, a statement of all moneys by him collected during the year, and the particular warrant, assessment or account upon which collected, and the balance of moneys uncollected on the warrants in his hands or returned to the

Annual statement.

comptroller, and a copy of such statement shall also be filed with the comptroller.

SEC. 24. The city collector is hereby expressly prohibited from keeping the moneys of the city in his hands, or in the hands of any person or corporation to his use, beyond the time prescribed for the payment of the same to the city treasurer; and any violation of this provision shall subject him to immediate removal from office by the mayor, with the concurrence of the common council; and it is hereby declared to be the duty of the mayor, upon such removal being made, to nominate and appoint a successor, with the advice and consent of the common council.

Collector not to retain the public money.

SEC. 25. The collector shall give bond with sureties, to the amount of not less than one hundred thousand dollars, and the amount of his bond may be increased to such sum as may be fixed by the common council, said bond to be approved by the common council and filed in the clerk's office and entered on record. He shall also be sworn the same as other officers to the faithful discharge of the duties of his office.

Collectors's bond.

SEC. 26. If the collector shall receive any money for taxes or assessments, giving a receipt therefor for any land or parcel of land, and afterwards sell the same at any sale for taxes or assessments, for the tax or assessment which has been so paid and receipted for by himself or his assistant, he and his bond shall be liable to the holder of the certificate given to the purchaser at the sale, for double the amount of the face of the certificate, to be demanded within three years from the date of sale, and recovered in any court having jurisdiction of the amount; and the city shall in no case be liable to the holder of such certificate.

Liability for selling land when taxes have been paid.

GENERAL PROVISIONS.

SEC. 27. The finance committee and the comptroller shall, annually, meet in the month of April, and compare all such reports and statements as are made by the comptroller, treasurer and collector, and report thereon to the common council.

Finance committee to examine all reports.

Finance committee to decide controversies between officers of treasury department.

SEC. 28. In the adjustment of the accounts of the treasurer and collector with the comptroller, there shall be an appeal to the finance committee, whose decision in all matters of controversy arising between said officers in the treasury department shall be binding, unless the common council shall otherwise direct and provide.

Assistants and clerks.

SEC. 29. The comptroller, city treasurer and city collector, shall severally appoint such various assistants, clerks and subordinates, in their respective offices, as the common council may authorize; and shall be held severally responsible for the fidelity of the persons so appointed by them. Said subordinates shall in all cases be sworn to the faithful discharge of their duties, as other officers.

Other duties may be required.

SEC. 30. The said comptroller, collector and treasurer, shall perform such other duties, and be subject to such other rules and regulations, as the common council may from time to time by ordinance provide and establish.

City money not to be loaned or used by receiving officers.

SEC. 31. The treasurer and city collector, and all receivers of city money, are hereby required to keep safely, without loaning or using, all the city or public moneys collected by them, or otherwise at any time placed in their custody or disposal, till the same are paid over or directed by the proper officer, warrant, law, or order of the corporation, to be transferred or paid out, and to make all payments and transfers promptly when thereto required by any law or order of said corporation, or under any regulation of the comptroller.

Penalty for embezzlement.

And if any one of said officers, or of those connected with them, in the collection, safe keeping, or disbursing of said city revenues, shall convert to his or their own use, in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan, with or without interest, any portion of said city moneys entrusted to him or them for safe keeping, disbursement, payment, transfer, or for any other purpose, every such act shall be deemed and adjudged to be an embezzlement of so much of the said moneys as shall be thus taken, converted, invested, used or

loaned, which is hereby declared a felony, and any officer or agent of said city, and all persons advising or participating in such act, or being a party thereto, shall, upon conviction before any court of competent jurisdiction in this state, be sentenced to imprisonment for a term of not less than six months nor more than ten years, in the penitentiary of this state; and also be fined in a sum equal to the amount of the money embezzled.

SEC. 32. All returns and accounts made or required to be rendered under this act, by any of the officers in said treasury department, shall be verified by the oath of the person rendering it; in which said oath it shall be declared that said statement so far as he knows or has reason to believe, is a fair, accurate and full statement of the matters to which it relates, and of all moneys in his hands, or which he or any one for him has received since his last official account was rendered; and that he has not directly or indirectly used, loaned, invested or converted to his own use, or suffered any one to use, loan, invest, or convert to their or his use, any of the public moneys receivable or received by him, or subject to his warrant or control; but that he has acted diligently and without any collusion or fraud in the collection and disbursement of the public moneys of said city, and that he hath rendered a true and full account thereof in his said statement; which oath shall be attached to and filed with said accounts in the proper office of the comptroller or city clerk, as the case may be; and in case the said statements, or any of them shall be false, the said person so making such statement shall be deemed guilty of wilful and corrupt perjury, and shall be punished accordingly.

Officers' accounts to be verified by oath.

SEC. 33. All appropriations shall be based upon specific and detailed statements, made by some proper head of a department or officer of the city, and shall be made within the first quarter of the fiscal year; which fiscal year shall be held to commence on the first day of April in every year.

Appropriations, how and when to be made.

Fiscal year.

City expenditures limited.

Special exceptions.

SEC. 34. Neither the common council, nor any department or officer of the city shall add to the city expenditures, in any one year, anything over and above the amount provided for in the annual appropriation bill of that year, except as is herein otherwise specially provided; and no expenditure for an improvement to be paid for out of the general fund of said city shall exceed in any one year the amount provided for such improvement in the annual appropriation bill: *Provided*, however, that nothing herein contained shall prevent the common council from ordering any improvement, the necessity of which is caused by any casualty or accident happening after such annual appropriation is made. The common council may order the mayor and comptroller to borrow a sufficient amount to provide for the expense necessary to be incurred in making any improvement, the necessity for which has arisen as is last above mentioned, for a space of time not exceeding the close of the next municipal year; which sum and the interest shall be added to the amount authorized to be raised in the next general tax levy and embraced therein. Should any judgment be obtained against the city, the comptroller, under the sanction of the mayor and committee of finance, may borrow a sufficient amount to pay the same, for a space of time not exceeding the close of the next municipal year; which sum and interest shall in like manner be added to the amount authorized to be raised in the general tax levy of the next year and embraced therein.

Issue of bonds to provide for floating debt.

SEC. 35. The city comptroller is hereby authorized, under the sanction of the mayor and committee of finance, to issue and negotiate the bonds of said city, payable, principal and interest, in the city of New York, and bearing interest payable semi-annually at a rate not exceeding seven per cent. per annum, and becoming due and payable on the first day of April, 1881, to an amount sufficient to satisfy and retire all the floating debt now outstanding against said city, and which has not been heretofore provided for. Said

bonds shall be in the ordinary form of bonds of said city, and shall be issued in denominations of five hundred or a thousand dollars each, as the said mayor and comptroller may deem proper; and it is hereby made the duty of the common council, at the time of levying the general tax in each year, to provide for the payment of the interest accruing on the whole funded debt of the city, which is not otherwise provided for, in addition to the amount which they are authorized to levy for other purposes.

SEC. 36. In addition to the amount of bonds herein authorized to be issued, the common council may, in its discretion, provide by ordinance, for completing the issue of the bonds of said city to an amount not exceeding one hundred thousand dollars, authorized by the sixty-sixth section of the act amendatory of the city charter approved February 18th, 1861: *Provided*, that the whole amount of the bonds heretofore issued pursuant to said authority, and of the bonds hereafter issued by virtue of this section, shall not exceed the said sum of one hundred thousand dollars. The proceeds of said bonds, when sold, may be used in paying the general expenses of said city, and in payment of the expense, either in whole or in part, of such permanent improvements, chargeable to the general fund, as may be ordered by the common council, before the making of the next annual appropriation.

Certain other bonds authorized.

SEC. 37. The common council may also, in its discretion, provide by ordinance for issuing and negotiating the bonds of said city, payable principal and interest in New York, in twenty years from date, and bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually, to an amount not exceeding one hundred thousand dollars, for the purpose of purchasing grounds, either within or without the corporate limits of said city, and erecting the necessary buildings thereon, for a city bridewell or house of correction. Such bonds shall be in the ordinary form of bonds of said city, and shall be issued in denominations of

Bonds may be issued to establish house of correction.

five hundred or one thousand dollars each, as the mayor and comptroller may deem for the best interest of said city.

New bonds
may be issued
to satisfy old.

SEC. 38. Whenever any of the bonds of the city, which may have been heretofore or may hereafter be lawfully issued, shall become due, the common council may authorize the mayor and comptroller to issue new bonds to an amount sufficient to retire and satisfy the same, running either ten or twenty years, bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually, and payable, principal and interest, in the city of New York.

Register of
bonds to be
kept by
comptroller.

SEC. 39. The comptroller shall keep in his office, in a book or books kept separately for this purpose, a correct list of all the outstanding bonds of the city, showing the number and amount of each, and when and to whom the same were issued; and when any of said bonds are purchased or paid and canceled, said book or books shall show the same. In his annual report the comptroller shall describe particularly the bonds sold during the year, and the terms of the sale, with each and every item of the expense thereof. He shall also describe the bonds paid or purchased in order to be canceled, the person of whom purchased, and the amount paid, with each and every item of the expense thereof.

Bonds sold or
paid to be
specified in
annual re-
port.

Special pro-
vision re-
specting in-
terest on
funded debt.

SEC. 40. In case there shall not be money enough in the treasury, applicable thereto, to pay any semi-annual installment of interest on the funded debt of the city, the comptroller shall present a statement, under oath, to the finance committee, of the amount of the deficiency, which shall be afterwards filed with the city clerk; and it shall then be lawful for the mayor and comptroller, under the sanction of said committee, to issue and negotiate drafts upon the treasurer payable out of the first moneys that may come into the treasury applicable to the payment of said interest, to an amount sufficient to supply said deficiency. Said drafts shall not have more than ninety days to run; but they may

be renewed, if necessary, ninety days successively, until there shall be revenue enough received into the treasury to pay the same.

SEC. 41. In case of a deficiency in any fund to meet any demand upon it, the comptroller may, with the sanction of the mayor and finance committee, use to meet such demand, any moneys standing to the credit of any other fund, either general or special, except the water fund, the school-tax fund, and special assessment funds: *Provided*, the consent of the officer or department more particularly charged with the disbursement of the fund so used, shall be first had and obtained thereto. A correct account of all moneys so transferred shall be kept by the comptroller, and said moneys shall be replaced by him, within not to exceed three months, out of the revenue subsequently received into the treasury to the credit of the fund thus supplied. No moneys shall be so used or transferred, unless adequate provision has been made which will permit their reimbursement within said period.

Authority to borrow from one fund to meet demands upon another.

Proviso.

SEC. 42. No bonds or other evidences of debt shall be issued by the city, except as is in this act provided.

Issue of bonds restricted.

SEC. 43. No contracts shall be hereafter made by the common council, or any committee or member thereof, and no expense shall be incurred by any of the officers or departments of said city government, whether the object of expenditure shall have been ordered by the common council or not, unless an appropriation shall have been previously made concerning such expense. And no member of the common council, head of a department, clerk, city officer, assistant or employee in any department of said city, shall be directly or indirectly interested in any contract, work or business, or the sale of any article, the expense, price or consideration of which is paid from the city treasury, under the penalty of his immediate removal from office.

Special provision as to contracts, &c.

SEC. 44. The common council may hereafter, in their discretion, provide for the appointment of a city auditor, to

City auditor.

hold his office for two years and until the appointment and qualification of his successor, whose duty it shall be to examine personally and certify to the correctness or incorrectness of all the accounts rendered for any money which may be collected or disbursed by any of the departments or officers of said city. The said common council may by ordinance prescribe his qualifications and more particularly define his duties; and he shall be removable from office at any time by the mayor with the concurrence of the common council.

CHAPTER VI.

THE BOARD OF PUBLIC WORKS.

SECTION.

1. Board of public works, how constituted.
2. Salary of commissioners; bond.
3. President and treasurer; by-laws.
4. Secretary of the board; city engineer.
5. Duties of city engineer.
6. Power to license land surveyors.
7. Plats of sub-divisions to be approved by the board.
8. Board authorized to employ superintendents, surveyors and other subordinates.
9. Office and other expenses, how paid.
10. A majority of the board necessary for a quorum; record of proceedings; annual report; power to administer oaths.
11. General duties of the board.
12. Control over streets and alleys.
13. Permits for erection of wooden buildings within fire limits; fees for permits.
14. Board to act as commissioners to make special assessments.
15. Board to advertise for proposals for all work to be done by city; bidders to furnish bonds.
16. Contracts to be let to lowest reliable bidder.
17. Reservations to be inserted in all contracts; estimates to be issued to contractors; liability of city to contractors.

SECTION.

18. Board authorized in certain cases to employ workmen to perform or complete any public work.
19. Materials, how purchased.
20. Advertising for bids may be dispensed with in certain cases.
21. Bonds and contracts to be made in the name of the city.
22. Commissioners forbidden to be interested in contracts.
23. Board to have exclusive charge of water and sewerage works.
24. Former contracts concerning water and sewerage works to be completed by the board; special provision relating to new contracts.
25. Annual estimate to be furnished by the board of sums required for repairs and improvements; moneys raised for said board, how disbursed.
26. Oath of office; special requirement.
27. Members prohibited from deriving any profit from deposit of public moneys; custody of city funds; penalty for embezzlement.
28. Accounts to be kept of receipts and expenditures.

SECTION 1. There is hereby established an executive department of the municipal government of said city to be known as the "Board of Public Works," to consist of the mayor, who shall be a member of the board *ex-officio*, and three commissioners, to be chosen in the manner herein before prescribed.

Board, how constituted.

SEC. 2. Said commissioners shall each receive an annual salary of twenty-five hundred dollars, and shall each, before entering upon the discharge of his duties, give bond to the city in the sum of one hundred thousand dollars, with sureties to the satisfaction of the common council, which bond shall be conditioned for the faithful discharge of his duties as such commissioner; and that he will well and truly pay over any and all moneys, and surrender any and all property, books and papers which may come into his hands as such

Salary.

Bond.

commissioner, on the expiration of his term of office, or when required to do so by the common council.

President
and treasurer.

SEC. 3. Said board shall elect from their number a president and a treasurer, who shall hold their offices for the term of one year, and until their successors are elected and qualified, and they shall establish by-laws for the regulation and conduct of their officers and employees.

By-laws.

Secretary.

SEC. 4. Said board shall appoint a secretary, and some competent and scientific person as civil engineer to said board, who shall be styled the city engineer. The officers so appointed shall be removable at any time, at the pleasure of the board of public works.

City engineer.

Duties of city
engineers.

SEC. 5. It shall be the duty of the city engineer to perform all the civil engineering required by the board of public works in the prosecution of all public improvements committed to their charge, and to do such other surveying as may be directed by the board or by the common council. He shall receive for his services such annual salary as the common council shall direct; and shall devote his whole time to the duties of his office. He shall possess the same powers in making surveys and plats, within the city, as is given by law to county surveyors, and the like effect and validity shall be given to his acts, and to all plats and surveys made by such engineer, as are or may be given by law to the acts, plats, and surveys of county surveyors.

Power to li-
cense land
surveyors.

SEC. 6. The said board of public works shall have power, upon application being made to them by any citizen, of whose character and qualifications satisfactory evidence shall be produced, to give such applicant a license, under the corporate seal, to act for two years as a land surveyor in said city, and for each license so granted said board shall require a fee of ten dollars to be paid into the city treasury. Surveyors so licensed shall take the same oath required by law to be taken by the county surveyor, and shall give bond to the city of Chicago, with two sufficient sureties, to be approved by said board, in the penal sum of twenty-five

Oath of sur-
veyors.

hundred dollars, conditioned for the faithful performance of the duties of a land surveyor, and the payment of all damages that may be sustained by any individual for whom such services may be rendered, in consequence of the carelessness, misconduct or incompetency of such surveyor. Said bond shall be filed in the office of said board, and suits may be brought and recovery had thereon in the name of said city, by any party who may have sustained damages as above mentioned; but said city shall in no case be held liable for the costs of such action, nor for any delinquency, fault or misconduct of such surveyor. The license to be granted as above provided, with a certificate of the aforesaid oath subjoined thereto, shall be recorded in the office of the recorder of Cook county; and then, and not before, the person so licensed shall have full power and authority, for the term of two years from the date of such license, to make surveys within the city limits, and the like effect and validity shall be given to his acts, and to all plats and surveys made by him as are or may be given by law to the acts, plats and surveys of county surveyors: *provided*, that the surveyors so licensed shall be governed by such laws of the state of Illinois, and such ordinances of the city of Chicago prescribing the mode of surveying, as are now or may hereafter be in force; *and provided further*, that the said board of public works shall have power to revoke any license granted under the provisions of this section, upon satisfactory evidence being presented to them of the incompetency or official misconduct of the person so licensed.

License to be recorded.

Revocation of license.

SEC. 7. In all cases where lands in said city are hereafter sub-divided and laid out into blocks or lots, sub-lots, streets and alleys, or new streets or public grounds are donated or granted to the public by any proprietor, in order to secure a uniform plan in the laying out of such streets and alleys, the map or plat thereof shall be submitted to the board of public works for their approval. If they approve the same they shall certify upon it their approval; and no such map

Plats of subdivisions to be approved by the board.

or plat shall be entitled to record or have any validity until so approved by said board.

Superintendents, surveyors, clerks, &c.

SEC. 8. The board of public works is authorized to employ, from time to time, such superintendents, surveyors, clerks, assistants and workmen, in the discharge of their duties, as they may deem necessary, subject, however, to such regulations respecting the number of agents regularly or permanently employed, and their compensation and duties, as the common council may prescribe by ordinance.

Office expenses, &c.

SEC. 9. The office expenses, and the expenses for clerks, engineers and assistants, and the salaries of said commissioners of the board of public works and their officers shall be a charge, and shall be paid share and share alike, out of the funds pertaining to the general fund of said city, and the funds pertaining to the water and sewerage works of said city; each of said funds to bear one-third of said expense.

Quorum.

SEC. 10. A majority of said board shall constitute a quorum to do business; they shall keep a record of all their acts and doings, and shall keep and preserve copies of all contracts, estimates, receipts, plans, profiles, and the papers of the board: and shall report their acts and doings in detail to the common council, on or before the tenth day of April in each year, and oftener when required so to do by the common council. Each of said commissioners shall have power to administer any oath authorized to be taken by the laws of this state.

Record of proceedings.

Annual report.

Power to administer oaths.

Board to take special charge of streets, public buildings, river improvements, &c.

SEC. 11. It shall be the duty of said board to take the special charge and superintendence, subject to such general ordinances as may be lawfully established by the common council, of all streets, alleys, lanes or highways in said city, and of all walks and cross-walks in the same, and of all bridges, docks, wharves, public places, public landings, public grounds and parks in said city, and of all markets, market-places and market-houses, engine houses, hospitals, armories and all other public buildings in said city, belong-

ing to the city, except school-houses, and of the erection of all public buildings, of all lamps and lights for the lighting of the streets, alleys, lanes, highways, bridges, parks, public places and public buildings of the city, and of the erection and repair of such lamps and lights, of all works for the widening, deepening or dredging of the Chicago river, or either of its branches; of all sewers and the works pertaining thereto; of the water works of said city; of all public improvements hereafter to be commenced by said city, and they shall perform all the duties by this act prescribed, and such other duties as the common council may prescribe by ordinance.

SEC. 12. The said board shall have the exclusive privilege to grant permits, according to the ordinances of the city, for the moving of houses through the streets of the city, and the raising of buildings and sidewalks, and to regulate the building or placing of vaults under the streets, alleys, and sidewalks, and require such compensation for the privilege as they shall deem reasonable and just, subject to the approval of the common council; also to regulate all open spaces for basement stories, and the use of the public streets in any legal and proper manner, except for railroad tracks; and no building material or obstruction of any kind shall be placed in the public streets, alleys, or on the public grounds, without the written permit of said board. Said board shall have full power to regulate and control the manner of using the streets, alleys, highways and public places of the city, for the laying down of gas or water pipes and sewers and determine the location thereof, and to cause the prompt repair of the streets, alleys, highways and public places whenever the same may be taken up or altered; and they are hereby authorized and empowered to charge and collect by suit or otherwise, in the name of the city of Chicago, the expense of such repairs to and from the person or persons by whom such street, alley, highway or public ground may have been taken up or altered.

Permits for moving and raising buildings, &c.

Use of streets for gas and water pipes, &c.

Wooden
buildings
within fire
limits.

SEC. 13. The said board shall have the exclusive privilege of granting permits for the erection of wooden buildings within the fire limits of said city, subject to such general regulations as the common council may by ordinance prescribe; and for all permits of every kind which said board is authorized to grant, it may make such reasonable charge as it may deem proper, or as the common council may by ordinance direct.

Fee for per-
mits.

Commission-
ers of special
assessments.

SEC. 14. The commissioners of the board of public works, with the exception of the mayor, shall in all cases, except as is in this act otherwise provided, act as commissioners to make special assessments, whenever the same may be ordered; for the making of which assessments they shall receive no fees.

Board to ad-
vertise for
proposals for
doing public
work.

SEC. 15. Whenever any public improvement shall be ordered by the common council of said city, and the assessment for the same (where the same is to be paid for by special assessment,) shall have been confirmed, and one-half of such special assessment shall have been paid into the city treasury, the said board of public works shall advertise for proposals for doing said work; a plan or profile of the work to be done, accompanied with specifications for the doing of the same, being first placed on file in the office of said board; which said plan, profile and specifications shall at all times be open for public inspection; which advertisement shall be continued for at least ten days in the corporation newspaper, and shall state the work to be done. The bids for the doing of such work shall be *sealed bids*, directed to said board, and shall be accompanied with a bond to the city in the sum of two hundred dollars, signed by the bidder and two responsible sureties, conditioned that he shall execute the work for the price mentioned in his bid, and according to the plans and specifications, in case the contract shall be awarded to him; and in case of default on his part to execute a contract and perform the work, said bond may be sued and judgment recovered thereon by the city for the

Bids.

full amount thereof, in any court having jurisdiction of the amount. Said bids shall be opened at the hour and place mentioned in said notice. When the expense of any work or public improvement shall exceed the sum of five hundred dollars, and the same is to be paid out of the general fund, or the water or sewerage fund of said city, the doing of such work shall be let by contract, in the same manner as is provided in cases where the expense of the same is to be paid for by special assessment.

SEC. 16. All contracts shall be awarded by said board to the lowest reliable and responsible bidder or bidders, who shall have complied with the above requisition and who will sufficiently guarantee, to the satisfaction of said board, the performance of said work, under the superintendence and to the satisfaction of said board; *provided* that the contract price does not exceed the estimate, or such other sum as shall be satisfactory to said board; copies of which contracts shall be filed in the office of the comptroller of said city.

Contracts to be let to lowest reliable bidder.

SEC. 17. The board of public works shall reserve the right, in their said contracts, to finally decide all questions arising as to the proper performance of said work; and in case of improper construction, to suspend said work at any time, and re-let the same; or to order the entire re-construction of said work, if improperly done; or re-let the same to some more capable and faithful contractor or contractors, with power hereby given to said board to adjust the difference of damages or price, (if any there be), which the contractor or contractors failing to properly construct such work, in such cases of default, should, in their opinion, pay to the city, according to the just and reasonable interpretation of such contract; which difference or balance shall be recoverable at law in the name of said city, before any court having competent jurisdiction thereof, against such contractor or contractors. In all cases where the contractor or contractors shall proceed to properly perform and complete their said contracts, the said board may, in their discretion,

Reservations to be inserted in contracts.

Estimates to be issued to contractors.

from time to time as the work progresses, grant to said contractor or contractors an estimate of the amount already earned, reserving fifteen per cent. therefrom, which shall entitle the holder or holders to receive the amount that may be due thereon when the money applicable to the payment of such work shall have been collected, and the conditions annexed to said estimate, if any, shall have been satisfied.

Liability of city to contractors.

Any persons taking any contracts with the city, and who agree to be paid from special assessments shall have no claim or lien upon the city in any event, except from the collections of the special assessments made for the work contracted for; and no work to be paid for by a special assessment, shall be let except to a contractor or contractors who will so agree.

Board to employ workmen to complete an improvement in certain cases.

SEC. 18. In case the prosecution of any public work should be suspended in consequence of the default of any contractor, or in case the bids for doing any such work should be deemed excessive, or the persons making proposals not responsible or proper persons to be entrusted with its performance, the board of public works may, with the written approval of the comptroller, where the urgency of the case and the interests of the city require, employ workmen to perform or complete any improvement ordered by the common council: *provided*, that the cost and expense thereof shall in no case exceed the amount assessed or sum appropriated for completing the same.

Materials, how purchased.

SEC. 19. All supplies of materials, or necessities of any kind, exceeding in amount the sum of five hundred dollars, shall be purchased by said board of public works, when practicable, by contract with the lowest responsible bidder, as is provided for the making of contracts for the doing of work.

Advertising for bids dispensed with in certain cases.

SEC. 20. Whenever the said board of public works shall deem it necessary for the interests of the city, and to protect the same from great loss and damage, they shall report to the common council such necessity, and the reason for the same,

asking from the council the power to enter into a contract (specifying such contract) without giving the notice in this act required to be given before letting a contract; and the common council, on being satisfied of such necessity, may, by resolution, grant such power: *provided*, three-fourths of all the aldermen elected shall vote in favor of such resolution.

SEC. 21. All contracts entered into by said board of public works, and all bonds taken by them shall be entered into in the name of, and be made to, the city of Chicago.

Contracts to be made in name of city.

SEC. 22. No member of the board of public works, nor officer or clerk in their employ, shall be interested, directly or indirectly, in any contract made and entered into by said board of public works, for any work or for any materials to be furnished therefor; and all contracts made with said board in which any member or officer of said board shall be so interested, shall, at the option of the city, be declared utterly void and of no binding effect whatever; and any member or officer of said board interested in any contract shall thereby forfeit his office, and be removed therefrom on proof of such delinquency; and it is hereby made the duty of each member of said board of public works, and of the mayor, and of every officer of said city, to report to the common council any such delinquency when discovered.

Commissioners not to be interested in contracts, &c.

SEC. 23. The board of public works shall have the exclusive charge and superintendence of the sewerage and water works of said city, and shall receive and collect all water rents, water taxes or assessments, and sewerage permits and licenses; and they shall report to the city treasurer once in each week all moneys so received by them, and at the same time pay over to said city treasurer all such moneys, with a statement of the same; to which account the same belong, and shall receive his receipt for all moneys so paid over.

Board to have exclusive charge of water and sewerage works.

SEC. 24. All bonds, contracts, agreements or obligations, of what kind or nature soever, heretofore executed by the board of sewerage commissioners, or water commissioners,

Contracts for water and sewerage works.

shall be carried out and completed by said board of public works. All contracts entered into by said board on account of the sewerage or water works of said city, shall specify that they are for such works, and are to be paid out of the funds pertaining to such works.

Annual estimate of sums required for repairs, &c.

SEC. 25. The board of public works shall, on or before the first day of May in each year, submit a statement to the comptroller, to be by him laid before the common council, with his annual estimate, of the repairs and improvements to be paid for out of the general fund of the city, and necessary to be undertaken by said city during the current year, and of the sums by said board of public works required to make such repairs and improvements, as near as the same can be estimated, which report shall be in detail, and such estimate having been revised by the common council, the aggregate amount of the sums required after such revision shall be provided for in the general tax levy to be laid on said city. All moneys hereafter to be paid to any person or persons out of the moneys so raised and appropriated, or out of the sewerage or water funds, or any special assessment fund, shall be certified by the president of the board of public works, or in his absence by the acting president of said board, to the comptroller, who shall draw his warrant on the treasurer therefor, stating therein the particular fund to which the same is chargeable, and the person to whom payable; and such warrant shall be countersigned by the president, or in his absence by the acting president, of the board of public works and the mayor.

Mode of disbursement.

Oath of office.

SEC. 26. The commissioners of the board of public works shall be sworn the same as other officers to the faithful discharge of the duties of their office; and no person hereafter elected shall act as a commissioner of said board until, in addition to the oath required of all city officers, he shall swear that he is then, and for the year immediately preceding has been, a resident freeholder in the division of the city from which he was elected, which oath shall be filed in the clerk's office.

Special requirement.

SEC. 27. No member or officer of said board, or other officer of said city, and no member of the common council, shall either directly or indirectly receive any interest or profit whatever on account of the deposit of any of the funds belonging to the city; nor shall any member or officer of said board, or officer of said city, or any member of the common council, either directly or indirectly, make use of or borrow any of said funds for his own private benefit or advantage. The funds of said city in the hands of said board shall, until deposited with the treasurer of said city, as herein before provided, be kept in such place or places of deposit as shall, by an order of said board, be directed, which order shall be entered upon the records of the said board: if either of the members or any of the officers of said board shall, either directly or indirectly, receive or appropriate for his own use or benefit any of the funds, money or property of the said city, or shall directly or indirectly take, pledge or borrow any of the said funds or property for his own use or benefit, such member or officer of said board shall be deemed guilty of embezzlement, and shall be liable to indictment, and on conviction thereof shall be sentenced to imprisonment for a term of not less than six months nor more than ten years, in the penitentiary of this state; and also be fined in a sum equal to the amount of the money embezzled. The members of said board shall be liable upon their bond for the loss of any or all moneys coming into the possession or control of said board.

Members prohibited from deriving profit from public funds.

Custody of city funds.

Penalty for embezzlement.

SEC. 28. It shall be the duty of the said board to keep books of account, showing with entire accuracy the receipts and expenditures of the board, in such manner as to enable the same to be readily understood and investigated; and also to preserve on file in their office duplicate vouchers for all their expenditures, which books and duplicates shall at all times be open to the examination of the comptroller of said city, or to the finance committee of the common council, or to any other committee appointed by the common council.

Account of receipts and expenditures, &c.

CHAPTER VII.

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS.

SECTION.

1. Power to lay out streets; to improve them; to widen and deepen the river; to construct side walks; and improve parks.
2. Expenses defrayed by special assessments.
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4. Plan or profile of improvements to be furnished in certain cases: facts to be specially reported; three-fourths' vote of council required in certain cases.
5. Assessments for condemnation of real estate.
6. Commissioners to be sworn; notice of meeting; witnesses may be examined.
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10. Valuation of buildings; owner to be notified thereof; refusing to take, buildings to be sold.
11. Each party in interest entitled to an award.
12. Damages and expenses to be assessed on real estate benefited.
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14. Property owners may appeal; proceedings therein.
15. Condemnation effectual when assessment is confirmed; payment of damages.
16. Notice to be published of readiness to pay; city may then take possession.
17. When whole of lot taken, contracts to cease.
18. When part taken, to cease as to that part; to continue as to the residue.
19. Proceedings to be recorded.

SECTION.

20. Assessments for deepening the river.
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33. Guardians of infants, by whom to be appointed.
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36. On failure to collect, re-assessment may be made; assessments a lien for five years.
37. Commissioner interested disqualified from serving; vacancy, how filled.
38. Expense of river improvements may be defrayed by general tax.
39. Improvements to be paid for out of general fund.
40. Construction of bridges by private enterprise.
41. Penalty for willful injury to city property.
42. Improvement of Michigan Avenue.
43. Encroachment prohibited on public ground east of Michigan Avenue.
44. Repealing clause.

Council empowered to lay out streets, &c.

SECTION 1. The common council shall have power, from time to time,

First. To lay out public streets, alleys, lanes, and highways, and to make wharves and slips at the ends of streets, and extend, alter, widen, contract, straighten, and discontinue the same; and to purchase, and lay out public parks, squares or grounds.

Second. To cause any street, alley, lane or highway, to be filled, graded, leveled, paved, curbed, walled, graveled, macadamized or planked; and keep the same in repair. To improve streets.

Third. To widen, deepen, or dredge out the Chicago river, or either of its branches, or any part or parts of the same. To widen and deepen river

Fourth. To cause cross and side walks, area walls, lamp posts, and private drains, to be constructed and laid, relaid, erected, cleansed and repaired. Sidewalks and drains.

Fifth. To fill, grade, improve, protect and ornament, any public square, now, or hereafter, laid out. Public squares.

SEC. 2. The expenses of any improvement mentioned in the foregoing section, shall be defrayed, save as is herein otherwise provided, by a special assessment upon the real estate benefited thereby, to be levied in the manner hereinafter prescribed. Expenses, how defrayed.

SEC. 3. All applications or propositions for establishing the grade of streets or for a change of grade, the erection of bridges and lamp posts, the grading, re-grading paving, re-paving, graveling, and re-graveling, macadamizing, plank-ing, and re-planking of streets, alleys, highways, or lanes, the construction and repair of sidewalks and private drains, the improvement of public grounds or buildings belonging to the city, except school houses, the widening, deepening or dredging of the Chicago river, or either of its branches, the opening, straightening, widening or closing of any street, alley, lane, or highway, or for any other improvement, the doing of which is within the discretion and control of the municipal government of said city, shall hereafter be first made to the board of public works; or, if first made to the common council, shall be by them referred to said board. Upon receiving any such application, the said board shall proceed to investigate the same; and if they shall determine that such improvement is necessary and proper, they shall report the same to the common council accompanied with an estimate of the expense thereof, and a proper ordi- Applications for improvements to be made or referred to board of public works.
 Board to report to council.

nance or order directing the work. If they do not approve of such application they shall report the reasons for their disapproval, and the common council may then, in either case, order the doing of such work, or the making of such public improvement, after having first obtained from said board an estimate of the expense thereof. The board of public works may also, in like manner recommend, whenever they think proper, any improvement of the nature specified in this section, though no application may have been made therefor; and in all cases the common council, after having obtained from said board an estimate of the expense, may make such changes in the proposed plan as may be petitioned for by any of the owners of the property to be assessed.

Council may
modify plans.

Plan or pro-
file of im-
provement to
be furnished.

Facts to be
specially re-
ported.

SEC. 4. Whenever the board of public works shall recommend the opening, straightening, widening, or extending, of any street, lane, alley, or highway, in said city, or the widening of the Chicago river, or either of its branches, or any part or parts of the same, they shall furnish to the common council a plan or profile of the contemplated improvement, and shall also specially report whether, in their opinion, real estate to be assessed for said improvement can be found benefited to the extent of the damages, costs, and expenses necessary to be incurred thereby; and whenever in any case they shall recommend to the common council the doing of any work, or the making of any public improvement, to be paid for by a special assessment, they shall with such recommendation certify to the common council whether the contemplated improvement is asked for by the petition of the owners of a majority of the property to be assessed for such improvement, and if the owners of a majority of the property so to be assessed, shall have failed to petition therefor, the same shall be ordered only by the votes of at least three-fourths of all the aldermen present, such vote to be entered by ayes and noes on the record of the common council. The certificate of said board of public works shall

Three-
fourths' vote.

be *prima facie* evidence as to the number of said petitioners and of their interest in the property assessed.

CONDEMNATION PROCEEDINGS.

SEC. 5. Whenever any order is passed by the common council, by virtue hereof, for the making of any public improvement mentioned in the first section of this chapter, which shall require the appropriation or condemnation of any land or real estate, the commissioners of the board of public works shall forthwith proceed to ascertain and assess the damages and recompense due the owners of such land respectively, and at the same time to determine what real estate will be benefited by such improvement, and assess the damages, together with the costs of the proceedings, on the real estate by them deemed benefited, in proportion, as nearly as may be, to the benefit resulting to each separate lot or parcel. If the proceeding be one for widening the Chicago river, or either of its branches, or any part or parts of the same, the assessment may, if so ordered by the common council, be made to include the estimated expense of excavation and completing the work, in addition to the value of the land condemned; but in all other cases shall cover only the damages awarded for the real estate appropriated and the costs of the proceedings.

Assessment for condemnation of real estate.

Widening the river.

SEC. 6. Before proceeding to make said assessment the commissioners shall be sworn, faithfully to execute their duties, according to the best of their ability. They shall then give six days' notice by publication in the corporation newspaper, of the time and place of their meeting for the purpose of making said assessment, in which notice they shall specify what such assessment is to be for, and shall describe the land to be condemned, as near as may be done by general description. The meeting of said commissioners when engaged in making such assessment, shall be held in a public place in said city, to be specified in said notice, and all per-

Oath of commissioners.

Notice.

Evidence.

sons interested in any such assessment, shall have the right to be present and be heard, either in person or by counsel. The commissioners shall view the premises to be condemned and receive any legal evidence that may be offered, for the purpose of proving the true value thereof, or the damages that will be sustained, or benefit conferred by reason of the contemplated improvement; and the said commissioners, for this purpose, are hereby authorized to administer oaths to all witnesses produced before them. They shall permit the counsel to the corporation, or city attorney, to appear before them at such hearing, to represent the interests of the city, and may adjourn from time to time until said assessment is completed.

Appraisal of damage and benefit.

SEC. 7. The commissioners, in making said assessment, shall determine and appraise, to the owner or owners, the value of the real estate appropriated for the improvement and the injury arising to them, respectively, from the condemnation thereof, which shall be awarded to such owners respectively, as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement.

Report to show damage and benefit.

SEC. 8. If the damage to any person be greater than the benefit received, or if the benefit be greater than the damage, in either case the commissioners shall strike a balance, and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners, respectively, and the difference only shall, in any case, be collectable of them, or paid to them.

Value of land donated may be set off against benefits.

SEC. 9. In the assessment of damages and benefits for the opening of any street or alley, it shall be lawful for the commissioners, in their discretion, in making such assessment, where part of the land to be laid out into such street or alley, has been theretofore donated by any person or persons for such street or alley, to appraise the value of the land so donated, and to apply the value thereof, as far as the amount so appraised shall go, as an offset to the benefits

assessed against the person or persons making such donation, or those claiming under them ; but nothing herein contained shall authorize any person or persons by whom such donation is made, to claim from the city the amount of such appraisal, except as an offset, as herein provided. And where the assessment is one for the widening of any street, which may have been theretofore, either in whole or in part, donated to the public by the proprietors of the adjoining land, it shall also be lawful for said commissioners, in their discretion, to make such allowance therefor, in their assessment of benefits, as shall to them seem equitable and just.

SEC. 10. If there should be any building standing in whole or in part upon the land to be taken, the commissioners shall add to their estimate of damages for the land, the damages also for the building or part of building necessary to be taken, if it be the property of the owner of the land. When owned by any other person, the damages for the building shall be assessed separately. The value of such building to the owner to remove, or of the part thereof necessary to be taken, shall also be determined by the commissioners, and notice of such determination shall be given by them to the owner when known, if a resident of the city, or left at his usual place of business or abode. If the owner is not known, or is a non-resident, notice to all persons interested shall be given by publication for ten days in the corporation newspaper. Such owner may at any time within ten days after service, or the first publication of such notice, notify to said commissioners in writing his election to take such building or part of building at their appraisal ; and in such case the amount of such appraisal shall be deducted by the commissioners from the estimated damages for the land and building, where they belong to the same owner, and from the estimated damages for the building where they belong to different owners ; and the owner shall have such time for the removal of the building after the confirmation of the assessment, as the board of public works

Valuation of
buildings.

Notice to
owner.

may allow. If the owner shall refuse to take the building at the appraisal, or fail to give notice of his election as aforesaid, within the time prescribed, then no deduction shall be made from the estimated damages aforesaid, and the board of public works shall, after the confirmation of the assessment, and after the money is collected or otherwise provided and ready in the hands of the treasurer to be paid over to the owner for his damages, proceed to sell such building or part of building, at public auction, for cash, giving at least five days' public notice of the sale by publication in the corporation newspaper, and cause such building to be then forthwith removed. The proceeds of such sale shall be paid into the city treasury to the credit of the special assessment fund raised for the said improvement.

Sale of build-
ings.

Each party in
interest enti-
tled to award.

SEC. 11. If the lands and buildings belong to different persons, or if the land be subject to lease, the injury done to such persons, respectively, may be awarded to them, by the commissioners, less the benefits resulting to them, respectively, from the improvement.

Damages to
be assessed
on real es-
tate benefi-
ed.

SEC. 12. Having ascertained the damages and expenses of such improvement, as aforesaid, the commissioners shall thereupon apportion and assess the same, together with costs of the proceedings, upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the improvement, as nearly as may be, and shall briefly describe the real estate upon which their assessments may be made; and it shall constitute no legal objection to said assessment that the amount thereof either exceeds or falls short of the original estimate of the cost of the improvement submitted to the common council by the board of public works.

Return of
assessment
roll.

SEC. 13. When completed, the commissioners shall sign and file the assessment roll in the office of the city clerk, and a duplicate thereof in the office of the board of public works. Notice shall be given by said commissioners, by six days' publication in the corporation newspaper, of the

Notice.

filing of such assessment roll in the clerk's office; and that at the next regular meeting of the common council, to be held after the expiration of such publication, they will apply to the common council for a confirmation of said assessment.

Objections to said assessment may be heard before the common council, but all parties objecting shall file their objections in writing, in the office of the city clerk, at least one day prior to such meeting of the council. Should no quorum be present at such meeting, the matter shall stand postponed to the next regular meeting of the council when there shall be a quorum. The council shall have power to adjourn such hearing from time to time, and shall have power, in their discretion, to revise and correct the assessment, and confirm or annul the same, and direct a new assessment to be made. Said assessment, when confirmed by the common council, shall be final and conclusive upon all parties interested therein, except as is hereinafter provided; and when said assessment is confirmed and no appeal is taken, as herein provided, a warrant shall issue for the collection of the same, signed by the mayor and city clerk. If said assessment shall be annulled by the common council or set aside by the court, the commissioners of the board of public works shall proceed to make a new assessment, and return the same in like manner, and give like notices as herein required in relation to the first; and all parties in interest shall have the like rights, and the common council shall perform like duties and have like powers in relation to any subsequent determination, as are hereby given in relation to the first.

Objections.

Action of
council there-
on.

SEC. 14. Any person whose property has been appropriated, and who has filed objections to said assessment, as hereinbefore provided, shall have the right, at any time within ten days after the confirmation of the same by the common council, and not after that time, having first given notice of his or her intention so to do, to the counsel to the corporation, or city attorney, specifying in such notice the

Appeal from
confirmation.

court to which the appeal is to be taken, to pray an appeal to any court of general jurisdiction in Cook county, from the order of the common council confirming such assessment, upon filing a bond to said city, approved by the judge or judges of the court to which the appeal is taken, conditioned to save the city harmless from all damages caused by the taking of such appeal. In case of appeal, a copy of the assessment roll, as confirmed by the common council, and of the objections to the final order confirming the same, shall be filed in the office of the clerk of the court to which such appeal shall be taken, and the cause shall be docketed by such clerk in the name of the person taking such appeal against the city of Chicago, as an "appeal from assessment." The said cause shall be then at issue, and shall have the preference in order of trial over all civil causes pending in said court. Such appeal shall be tried by the court, and on such trial the only questions to be passed upon, shall be whether the common council had jurisdiction in the case, and whether the valuation of the property specified in the objections is a fair valuation, and the assessment, so far as it affects said property, is a fair and impartial assessment. The judgment of the court shall be either to confirm or annul the assessment, from which judgment no appeal or writ of error shall lie.

Condemnation effectual on confirmation.

SEC. 15. When any such assessment shall have been confirmed by the common council, and no appeal have been taken therefrom, or, if an appeal shall have been taken, when judgment to confirm the assessment shall have been rendered thereon, the same shall be a lawful and sufficient condemnation of the land or property ordered to be appropriated. The board of public works shall thereupon cause to be paid to the owner of such property, or to his agent, the amount of damages, over and above all benefits, which may have been awarded therefor, as soon as a sufficient amount of the assessment shall have been collected for that purpose; but the claimant shall in all cases furnish an

Payment of damages.

abstract of title, showing himself entitled to such damages before the same shall be paid. If, in any case, there shall be any doubt as to who is entitled to the damages for land taken, the city may require of the claimant, a bond with good and sufficient sureties to hold said city harmless from all loss, costs and expenses, in case any other person should claim said damages. In all cases, the title to land taken and condemned in manner aforesaid, shall be vested absolutely in the city, in fee simple.

SEC. 16. As soon as the money is collected, and ready, in the hands of the treasurer, to be paid over to parties entitled to damages for property condemned, ten days' notice thereof shall be given by the board of public works in the corporation newspaper; and the city may then, and not before, enter upon, take possession of and appropriate the property condemned.

Notice of
readiness to
pay.

Possession,
when to be
taken.

SEC. 17. Where the whole of any lot or parcel of land or other premises under lease or other contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and engagements between landlords and tenants, or any other contracting parties touching the same or any part thereof, shall, upon publication of the notice required in the preceding section, respectively cease and be absolutely discharged.

When whole
lot taken,
contracts to
cease.

SEC. 18. Where part only of any lot or parcel of land or other premises so under lease or other contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and agreements and engagements respecting the same, upon publication of the aforesaid notice, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for, or in respect to the same, shall be so proportioned as that the part thereof, justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for the same.

When part
taken, con-
tracts to
cease for
such part.

Proceedings
to be record-
ed.

SEC. 19. All proceedings taken by said board of public works, in relation to the laying out of any street, alley, lane or highway, wharf, slip, public square or ground, or the widening, contracting, straightening or discontinuing the same, and all proceedings for the widening of the Chicago river, or either of its branches, shall be recorded by the said board, in a book or books kept for that purpose, describing particularly the said improvements, and the real estate required to be taken therefor.

DEEPENING AND DREDGING THE RIVER.

Assessment
for deepening
river.

SEC. 20. Whenever any order is passed by the common council, by virtue hereof, to deepen or dredge out the Chicago river, or either of its branches, or any part or parts of the same, the commissioners of the board of public works shall forthwith proceed to assess the amount directed to be assessed, on the real estate by them deemed benefited by any such improvement, in proportion, as nearly as may be, to the benefit resulting to each separate lot or parcel; and shall briefly describe in the assessment roll, to be made by them, the real estate assessed, and the amount of the assessment in each case.

IMPROVEMENT OF STREETS.

Assessment
for improv-
ing streets,
&c.

SEC. 21. Whenever any order is passed by the common council, by virtue hereof, for the filling, grading, leveling, paving, curbing, walling, graveling, macadamizing, planking, or repairing of any street, lane, alley, or highway, the commissioners of the board of public works shall forthwith proceed to assess the amount directed by the common council to be assessed, on the real estate fronting or abutting on the contemplated improvement. Said assessment shall be made in such manner, as nearly as may be, that each separate block, lot, sub-lot, piece or parcel of land, on either side of the street or part of street to be improved, shall sustain the cost and expense of making or completing the improvement upon that half of the street directly adjacent to or in front of the same.

SEC. 22. Where, in any case, any portion of the cost and expense of making any improvement mentioned in the foregoing section, shall, by virtue of any valid law or ordinance of the corporation, or by virtue of any valid contract, be chargeable upon any rail-way company, the amount so chargeable may be assessed upon said rail-way company, and the balance only, upon the real estate fronting or abutting on such improvement; and the city may collect the amount so assessed upon the said rail-way company, by distress and sale of personal property, as in other cases, or by suit brought for that purpose: *provided*, that any real estate belonging to such rail-way company and fronting or abutting upon the said improvement shall be assessed as in other cases.

Assessment
on railway
companies.

SEC. 23. Before proceeding to make an assessment, for any improvement mentioned in the three preceding sections, said commissioners shall be sworn as in other cases, and shall give six days' notice, by publication in the corporation newspaper, of the time and place of their meeting for the purpose of making said assessment, in which notice they shall specify what such assessment is to be for, and the amount to be assessed. All persons interested in any such assessment shall have the right to be present and be heard, either in person or by counsel, and the commissioners may, in their discretion, receive any legal evidence, and may adjourn, if necessary, from time to time.

Oath of com-
missioners.

Notice of
meeting.

SEC. 24. When the commissioners shall have completed their assessment, they shall sign and return the same in like manner, and give like notice of the application to the common council for confirmation, as herein required in relation to assessments for the condemnation of real estate; and all parties in interest shall have the like rights, and the common council shall perform like duties and have like powers in relation to such assessment as are herein given in relation to assessments for the condemnation of real estate. When confirmed by the common council, said assessment

Return of as-
sessment roll.

Proceedings
thereon.

shall be final and conclusive upon all parties interested therein, and shall be collected as in other cases; and no appeal shall lie in any case from the order of confirmation. If any assessment be annulled or set aside, the said commissioners shall proceed to make a new assessment and shall return the same in like manner and give like notices as herein required in relation to the first.

SIDEWALKS AND DRAINS.

Owners to
construct
side walks.

SEC. 25. All owners or occupants of real estate, in front of, adjacent to, or upon whose premises the common council shall order or direct any sidewalk or private drain to be constructed, shall construct such sidewalk or private drain at their own costs and charges in the manner prescribed by said common council and within such reasonable time, not exceeding twenty days, as the board of public works shall direct, of which time notice shall be given to such owner or occupant, by personal service, or leaving the same at his usual place of business or abode, or by three days' publication in the corporation newspaper. If the work be not done in the manner and within the time prescribed, the commissioners of the board of public works shall forthwith proceed to assess the amount necessary to be assessed therefor, together with all costs, upon the real estate aforesaid, which assessment shall be made and returned, and may be confirmed and collected in the same manner as in the case of filling, grading or paving streets, and when confirmed shall have the same force and effect; like powers, rights and duties being hereby conferred and imposed upon the said commissioners and common council and on all parties interested, in both cases.

If delin-
quent, ex-
pense to be
assessed.

Penalty for
neglect.

SEC. 26. For any neglect or refusal to comply with any order of the common council in the preceding section referred to, the said common council may impose by ordinance such penalties upon the owners or occupants aforesaid, not exceeding twenty dollars for each day's neglect, as to the said common council shall seem proper.

SEC. 27. Upon the passage of any order in the two preceding sections referred to, the board of public works may, in their discretion, in case the said owners or occupants should fail to comply therewith, cause said improvement to be made and paid for out of any moneys in the treasury at their disposal, and afterwards cause the expense thereof together with all costs, to be reimbursed by a special assessment to be levied and collected as in other cases, or the same may be recovered by suit from such owner or occupant, as for money paid and laid out for his use and at his request.

On failure of owner to construct, board of public works may.

Expense to be assessed.

SEC. 28. When in any case, it shall be deemed necessary by the board of public works to cause any sidewalk to be raised, lowered, repaired or relaid, or any private drain to be raised, lowered, repaired or cleansed, it shall be lawful for said board to require the owner or occupant of the premises, in front of, adjacent to, or upon which said improvement is to be made, to make the same forthwith, or within such reasonable time as the board of public works may prescribe, either upon written or verbal notice to that effect; and in case of neglect or refusal to comply with said requirement, as well as in all cases where the owner or occupant cannot be found, the board of public works may cause the work to be done and paid for out of any moneys in the treasury at their disposal. Said board shall then report to the common council the amount of said expenditure, giving a description of the lots or other premises liable therefor, and the amount for which each is chargeable. The common council shall thereupon assess the said expenses, by an order, ordinance or resolution, upon such lots respectively, and the same may be collected by warrant and sale of the premises, as in other cases. A suit may also be maintained against the owner or occupant of such premises for recovery of such expenses, as for money paid and laid out for his use and at his request. The common council may also by ordinance impose such penalties upon the owners or occupants aforesaid for any neglect or refusal to comply

Repair of sidewalks and drains.

Assessment therefor.

Suit to recover expense.

with the aforesaid requirement, not exceeding twenty dollars for each day's neglect, as to the said common council shall seem proper.

Owners and occupants responsible for safe condition of sidewalk.

SEC. 29. Nothing in the preceding sections contained, shall be so construed, as to relieve the owners or occupants of real estate from the duty of keeping the sidewalk in front of or adjacent to their respective premises, at all times, in a safe condition and in a good and thorough state of repair; but such duty is hereby expressly enjoined and imposed upon all such owners and occupants; and if at any time any injury shall be sustained by any individual, or the city shall be subjected to any damages in consequence of any defect in any sidewalk, or its being out of repair, the owner and occupant of the adjacent premises, whose duty it is to make repairs, shall be jointly and severally liable therefor, and the same may be recovered by suit in any court of general jurisdiction. If the owner be a non-resident, proceedings may be commenced against the property by attachment, as in other cases of attachment under the laws of this state.

ERECTION OF LAMP POSTS.

Assessment for lamp posts.

SEC. 30. Whenever any order is passed by the common council, by virtue hereof, for the erection of lamp posts upon any of the streets in said city, the commissioners of the board of public works shall forthwith proceed to assess the amount directed by the common council to be assessed therefor, upon the several lots, pieces or parcels of land fronting or abutting on the street or part of street along which said posts are to be erected. Said assessment shall be made in such manner, as nearly as may be, that each separate lot, piece or parcel of land on either side of such street, for the whole distance proposed to be lighted, shall sustain its fair proportionate share of the expense, according to the number of lineal feet of each separate lot or parcel on such street; which assessment shall be made and

returned, and may be confirmed and collected, in the same manner as in the case of filling, grading or paving streets, and when confirmed shall have the same force and effect; like powers, rights and duties being hereby conferred and imposed upon the said commissioners and common council, and on all parties interested, in both cases.

REMOVAL OF NUISANCES.

SEC. 31. In all cases where expenses may be incurred in the removal of any nuisance, the common council may cause the same to be assessed against the real estate chargeable therewith, in the manner prescribed in the twenty-eighth section of this chapter. Such expenses shall be likewise collectible of the owner or occupant of such premises in a suit for money expended to his or their use. Suit may, in like manner, be brought for such expenses against the author of such nuisance, when known, or any person whose duty it may be to remove or abate the same.

Removal of nuisances; expense how collected.

GENERAL PROVISIONS.

SEC. 32. In all cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed the person who ought to bear and pay every charge or assessment made for the expense of any public improvement. Where any such charge or assessment shall be made upon or paid by any person, when, by agreement or by law, the same ought to be borne or paid by any other person, it shall be lawful for one so paying to sue for and recover of the person bound to pay the same, the amount so paid, with interest; or he may retain and deduct the same from any rent due or to become due to such person. Nothing herein contained shall impair or in any way affect any agreement between any landlord and tenant, or other persons, respecting the payment of such assessments.

Landlord to pay assessments when no agreement to the contrary.

SEC. 33. When any known owner residing in said city, or elsewhere, shall be an infant, and any proceedings had

Infant owners of real estate may

have guardians.

under this act shall render it necessary, the circuit court of the county of Cook, the judge thereof, or any judge of any court of general jurisdiction in said city, or the judge of the county court, may, upon the application of the board of public works, or such infant, or his next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trust, and all personal notices and summons, required by this act, may be served on such guardian.

Certiorari, when to be issued.

SEC. 34. No writ of *certiorari* shall be allowed in the case of any special assessment proceedings commenced under the provisions of this act, unless applied for within thirty days after the confirmation of the assessment, and not then at the suit of any party who has neglected to file his objections to such confirmation as hereinbefore provided, unless the party applying for the writ shall satisfy the court by legal and satisfactory evidence, other than his own oath, that he has a sufficient legal excuse for such omission or neglect.

New assessment.

SEC. 35. If, in any case, the first assessment prove insufficient, the board of public works shall make a second in the same manner, and so on, until sufficient moneys shall have been realized to pay for such public improvement. If too large a sum shall at any time be raised, the excess shall be refunded rateably to those by whom it was paid.

Excess refunded.

On failure to collect, new assessment may be made.

SEC. 36. If, from any cause, the city shall fail to collect the whole or any portion of any special assessment which may be hereafter levied, and which shall not be canceled and set aside by the order of any court upon *certiorari* or appeal, for any public improvement required to be paid for by special assessment, the common council may, at any time within five years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property, for the amount of such deficiency, and interest thereon from the date of such original assessment, which assessment shall be made, as near as may be, in the

same manner as is herein prescribed for the first assessment. In all cases where partial payments shall have been made on such former assessment, they shall be credited or allowed on the new assessment to the property for which they were made, so that the assessment shall be equal and impartial in its results. If such new assessment prove ineffectual, either in whole or in part, the common council may, at any time within said period of five years, order a third, and so on, to be levied in the same manner and for the same purpose; and it shall constitute no legal objection to such re-assessments that the property may have changed hands or been encumbered subsequent to the date of the original assessment, it being the true intent and meaning of this section, to make the cost and expense of all public improvements to be paid for by a special assessment, a charge upon the property assessed therefor, for the full period of five years from the confirmation of the original assessment, and for such longer period as may be required to collect, in due course of law, any new assessment ordered by the common council within that period.

Assessment.
a lien for five
years.

SEC. 37. If in any case, the commissioners of the board of public works, or either of them, are specially interested in any special assessment about to be levied, the commissioners or commissioner so interested shall be disqualified from serving in that particular case. Any vacancy occasioned in this manner, or by the absence, inability or refusal to serve of any commissioner, may be filled by appointment by the mayor. The special commissioner so appointed shall be allowed two dollars per day for his actual services, and shall be sworn in the same manner as the other commissioners.

Interested
commission-
ers disquali-
fied.

Special com-
missioner.

SEC. 38. Should the board of public works report to the common council, at any time, in favor of any proposed improvement of the Chicago river, or either of its branches, or any part or parts of the same, and at the same time recommend that the expense thereof be defrayed by a gen-

River im-
provements
may be paid
for by gener-
al tax.

eral tax upon all the taxable property in the city, it shall be lawful for the said common council to levy such a tax; and in such case, the amount required to be raised shall be assessed upon the whole taxable real and personal property in the city, and be included in the general tax levy of the succeeding year, under the head of "permanent improvement tax."

Improvements chargeable to general fund.

SEC. 39. The cost and expense of constructing or repairing wharves, and slips at the ends of streets, of the cleaning of streets, alleys, lanes, and highways, and of ordinary repairs upon the same, of purchasing public squares or parks, and improving the same, of all improvements at the intersections of streets or alleys, or of streets and alleys, (excepting sidewalks and area or street walls,) of the repair of public buildings belonging to the city, of the construction of cross walks, and of all bridges and other improvements not enumerated in the first section of this chapter, shall be chargeable upon, and paid out of, the general fund, or other appropriate fund of said city not raised by special assessment.

Construction of bridges by private enterprise.

SEC. 40. Whenever any number of persons shall agree to secure to the board of public works the full expense of constructing any bridge, the common council may, in their discretion, authorize the persons agreeing to bear the expense thereof, to contract for the building of such bridge. In such case, however, the board of public works shall have the entire charge and superintendence of such work, and the plans for the same shall be subject to their approval.

Penalty for willful injury to public property.

SEC. 41. Any person or persons, who shall injure or destroy any bridge, the construction of which may have been heretofore or may be hereafter authorized or permitted to be built by the common council, or any public buildings or other property belonging to said city, or shall cause or procure the same to be injured or destroyed, or who shall wantonly spoil, or damage any street, alley, sidewalk, public square or ground, shall be subject to a penalty not exceeding five

hundred dollars for each offense, to be recovered by the city in an action of debt, and may be imprisoned for a term not exceeding six months, in the discretion of the court before whom such conviction may be had, and such person or persons shall also be liable in a civil action at the suit of the city for the damages occasioned by such injury or destruction.

SEC. 42. Upon the petition of a majority of the owners of lots upon Michigan avenue, lying between Washington street and the north line of a short street running from Michigan avenue to lake Michigan, on the north line of block twenty-three, in fractional section fifteen addition to Chicago, it shall be lawful for the common council to increase the width of said avenue thirty-six feet upon the east line thereof, from the north line of Randolph street to the north line of the short street running from Michigan avenue to lake Michigan, on the north line of block twenty-three, in fractional section fifteen addition to Chicago, and secure the east line of the proposed increase of width by a substantial stone wall, so far as the same is necessary for this purpose. Said council shall grade the increased width aforesaid, to a line of the present level of said street or avenue, and devote twenty feet of said width to the present road bed, graveling the same as the present road bed is graveled, and upon the remaining sixteen feet of said increased width, construct and lay down a good and substantial stone sidewalk, and upon the wall aforesaid, so far as the same is constructed, and upon a proper stone foundation to be built, erect upon the same, a good and substantial iron fence, along the whole line aforesaid. The said common council, to defray the expense of said improvement, are hereby authorized to have the same assessed by the board of public works, two-thirds of which shall be assessed upon the blocks of land fronting upon Michigan avenue, and lying between Washington street and Twelfth street, and the remaining one-third shall be paid out of the treasury of the city.

Improvement of Michigan avenue.

SEC. 43. No encroachment shall be made upon the land

Encroachments prohibited.

hibited on
grounds east
of Michigan
avenue.

or water, west of a line mentioned in the second section of an ordinance concerning the Illinois Central Railroad, (which line is "not less than four hundred feet east from the west line of Michigan avenue, and parallel thereto,") by any railroad company, nor shall any cars, locomotives, engines, machines or other things belonging to any railroad or transportation company be permitted to occupy the same, nor shall any cars or machinery be left standing upon said tract fronting any part of Michigan avenue south of Madison street, nor shall the city council ever allow any encroachments west of the line above described. And any person being the owner of, or interested in any lot or part of a lot fronting on Michigan avenue, shall have the right to enjoin said company and all other persons and corporations from any violations of the provisions of this section, or of said ordinance, and by bill or petition in chancery in his or their own name, or otherwise, enforce the provisions of said ordinance, and of this section, and recover such damages for any such encroachment or violation, as the court shall deem just; the state of Illinois, by its canal commissioners, having declared that the public ground east of said lots should forever remain open and vacant, neither the common council of the city of Chicago, nor any other authority shall ever have the power to permit encroachments thereon, without the assent of all the persons owning lots or land on said street or avenue.

Repealing
clause.

SEC. 44. All provisions of former acts relating to the levying of special assessments in the city of Chicago are hereby repealed: *Provided*, however, that the city shall have the right to continue and complete all proceedings commenced under any former law or ordinance, and shall have and enjoy all the rights accrued or to accrue thereunder, the same as if said provisions remained in full force and effect.

CHAPTER VIII.

OF TAXATION.

SECTION.

1. Power to levy tax for general purposes; for schools; for police expenses; for reform school; for lighting streets; for sewerage purposes; for interest on funded debt; for permanent improvements; to pay temporary loans.
2. Sinking-fund tax.
3. Street tax abolished.

SECTION.

4. Improvements on school and canal lands and wharfing privileges, subject to taxation.
5. Insurance rates; how collected.
6. Insurance rates, how appropriated.
7. Repeal of sections 6, 7, 8 and 9, of act to incorporate Firemen's Benevolent Association.

SECTION 1. The common council shall have power, within the city, by ordinance: Council to levy taxes.

First. To annually levy and collect taxes, not exceeding four and a half mills on the dollar, on the assessed value of all real and personal estate, in the city, made taxable by the laws of this state, to defray the contingent and other expenses of the city, not herein otherwise specially provided for; which taxes shall constitute the general fund. Four and one-half mills for general expenses.

Second. To annually levy and collect a school tax, not exceeding two mills on the dollar, on all taxable real and personal estate, to meet the expenses of purchasing grounds for school houses, and building and repairing school houses, and supporting and maintaining schools. Two mills for schools.

Third. To annually levy and collect a tax, not exceeding two mills on the dollar, on all taxable real and personal estate, for the police expenses of said city. Two mills for police expenses.

Fourth. To annually levy and collect a tax, not exceeding one mill on the dollar, on all taxable real and personal estate, for the support of the reform school. One mill for reform school.

Fifth. To annually levy and collect a tax, not exceeding two mills on the dollar, on all taxable real and personal estate, to defray the expense of lighting the streets in said city. Two mills for lighting streets.

Sixth. To annually levy and collect a tax of sufficient Sewerage tax.

amount, on all taxable real and personal estate, to pay the interest accruing on the sewerage debt, and provide a sinking fund for the liquidation of said debt, and to maintain the sewerage works and keep the same in repair.

Interest tax.

Seventh. To annually levy and collect a tax of sufficient amount on all taxable real and personal estate, to meet the interest accruing on the general bonded debt of said city, and also to provide for the interest accruing upon the water-loan bonds, in case the revenue from the water works should be insufficient to pay the same.

Two and one-half mills for permanent improvements.

Eighth. To annually levy and collect a tax, not exceeding two and a half mills on the dollar, on all taxable real and personal estate, when required, for the erection of a city hall, markets, bridewell or house of correction, or other public buildings, the purchase of grounds therefor, or for public squares or parks, the building of bridges, improvement of the river and harbor, or any other permanent improvement: *Provided*, that no tax shall be levied under this clause, unless a majority of all the aldermen elected shall vote in favor of the same.

Tax to pay temporary loans.

Ninth. To annually levy and collect a tax of sufficient amount, on all taxable real and personal estate, when required, to pay any debt that may have been contracted for money borrowed, during the preceding year, to provide for the expense incurred in making any public improvement caused by any casualty or accident happening after the making of the annual appropriation for such year, or to pay any judgment that may have been recovered against the city and paid during such previous year.

Sinking-fund tax.

SEC. 2. The common council shall also annually levy and collect a tax of one mill on the dollar on all real and personal estate in said city, made taxable by the laws of this state, to provide a sinking fund for the liquidation of the general bonded debt of said city, which amount shall be invested in the purchase of the bonds of said city, if they can be purchased upon satisfactory terms. All city bonds

so purchased shall be immediately retired and canceled.

SEC. 3. The provision heretofore in force, requiring every male resident of the city, over the age of twenty-one years, and under the age of sixty years, to labor three days in each year upon the streets and alleys, or to commute therefor at the rate of fifty cents for each day's labor, is hereby abolished.

Street tax
abolished.

SEC. 4. All improvements on any school or canal lands or lots, and all improvements on the wharfing privileges in said city, together with the interest of the lessees or occupants in the premises, whether by lease, covenant, or deed, shall be subject to taxation, as real estate. And the personal property of the owner of such improvements, shall be liable for such taxes, and upon a failure to pay the same, the collector may levy upon and sell the goods and chattels of such occupant or lessee, for the payment thereof and costs. And in case such lessee or occupant shall have no personal estate, and neglect to pay the taxes, the interest of such lessee or occupant in such premises, together with the improvements, may be sold as real estate: *Provided*, the purchaser shall acquire no greater rights in the land than the tenant or occupant thereof had, but shall take the same subject to all the covenants and agreements in relation thereto.

Improvements on
school lands
taxable.

Personal
property
liable.

SEC. 5. All corporations, companies or associations, not incorporated under the laws of this state, engaged in said city in effecting fire, marine, or life insurance, shall pay to the city treasurer the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums, which, during the half year ending on every first day of July and January, shall have been received or have been agreed to be paid, for any insurance effected or agreed to be effected in said city, by or with such corporations, companies or associations respectively. Every person who shall act in said city as agent, or otherwise, for or on behalf of any such corporation, company or association, shall on or before the fifteenth day of July and January in each year,

Insurance
rates.

render to the city comptroller a full, true and just account, verified by his oath, of all premiums which, during the half year ending on every first day of July and January preceding such report, shall have been received by him or any other person for him, or shall have been agreed to be paid, for or in behalf of any such corporation, company or association, and shall specify in said account, the amounts received for fire, marine, and life insurance respectively. Said agents shall also pay over to the city treasurer at the time of rendering the aforesaid account, the amount of rates for which the company or companies represented by them are severally chargeable by virtue hereof. If such account be not rendered on or before the day hereinbefore designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association so in default, to transact any business of insurance in said city, until the said requisitions shall have been fully complied with : but this provision shall not relieve any company from the payment of any risk that may be taken in violation hereof. Any person or persons violating any of the provisions of this section shall be subject to indictment, and upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not exceeding one thousand dollars, or imprisoned not exceeding six months, or both, in the discretion of the court. Said rates may also be recovered of such corporation, company or association, or its agent, by action in the name and for the use of said city as for money had and received for its use.

Companies in default prohibited from doing business.

Penalty for violation.

Disposition of insurance rates.

SEC. 6. The comptroller shall keep three separate accounts of the moneys received from said insurance agents, one of which shall embrace all rates collected on premiums for fire insurance, the second, all rates collected on premiums for marine insurance, and the third, all rates collected on premiums for life insurance. The fire insurance rates shall be used only for the purpose of promoting the efficiency of the fire department of said city, and providing a fund for

the relief of disabled firemen ; the marine insurance rates shall be exclusively appropriated to the improvement of the river and harbor ; and the life insurance rates, to such sanitary measures as may be deemed necessary for the promotion of the public health.

SEC. 7. Sections six, seven, eight and nine, of an act approved June 21st, 1852, and entitled "An Act to incorporate the Firemen's Benevolent Association and for other purposes," and all other acts and parts of acts, so far as they require any individual, association or corporation engaged in the business of insurance, or any agent thereof, to pay any money to said Firemen's Benevolent Association, upon their business profits or premiums, are hereby repealed.

Repealing
clause.

CHAPTER IX.

COLLECTION OF TAXES AND ASSESSMENTS.

SECTION.

1. Valuation of taxable property by assessors; appraisal to be filed in clerk's office by first Monday in August; notice of meeting to hear objections.
2. Assessors to hear and consider objections; power to revise assessment.
3. Tax list of real estate to be made by clerk; form of the list; personal tax list.
4. Levy of annual taxes by common council.
5. Amount of taxes to be computed by city clerk and inserted in tax lists; collection warrants.
6. Delivery of warrants to collector.
7. Special assessment warrants, how and when to be issued.
8. Delivery thereof to collector.
9. Notices to be given by collector; duty of collector to levy; personal tax a lien on property.
10. Taxes made a lien on real estate from May first; on personal property from delivery of warrant to collector.
11. Five per cent. damages to be collected on taxes not paid on or before first of January; one per cent. a month on special assessments if not paid within sixty days after publication of notice.
12. Application for judgment against delinquent real estate; notice to be given.
13. Copy of advertisement to be filed in court.
14. Tax and assessment suits; mode of docketing.
15. Judicial proceedings in such cases.

SECTION.

16. Order of sale.
17. Clerk to issue process for sale; collector empowered to sell; notice of sale.
18. Contents of advertisement.
19. Abbreviations may be used to describe property.
20. Mode of conducting sale; certificates of purchase.
21. Purchasers to make immediate payment; in case of default property to be again offered; in the absence of bidders property to be struck off to the city.
22. Return of precept by collector; record of sales to be kept by comptroller; certified copies made evidence.
23. Redemption from sale, when and by whom made; when deed to be executed to the purchaser; an abstract of deeds to be kept.
24. Certificates of purchase assignable.
25. Erroneous sales to be canceled.
26. Deeds *prima facie* evidence of certain facts; of what conclusive.
27. Successor of collector authorized to complete unfinished proceedings; comptroller to act in case of vacancy.
28. Assessment sales to be made at same time as tax sales, unless delayed by judicial proceedings.
29. Assessors and collector liable for neglect of duty.
30. Taxes and assessments valid notwithstanding formal defects.
31. Redemption from sale when property is sold a second time within two years.

Valuation of taxable property.

SECTION 1. The assessors shall, immediately after their appointment in each year, proceed to examine and determine the valuation of the taxable real and personal estate in their respective divisions. Schedules of all the taxable real estate in the several divisions shall be furnished by the city clerk, to aid them in the performance of their duties, upon which they shall enter their valuations. Said appraisal, together with their appraisal of all the personal estate taxable in said city, shall be completed and filed in the office of the city clerk, on or before the first Monday of August in each

When to be completed and filed.

year, unless further time shall be granted by the common council; and when so completed and filed, the said assessors shall fix upon a day for hearing objections thereto, and the city clerk shall give notice of the time and place of such hearing, by six days' publication thereof in the corporation newspaper. Any person feeling aggrieved by the assessment of his property, may appear at the time specified and make his objections. Notice.

SEC. 2. The said assessors shall meet at the time and place designated, to revise and correct their assessments. They shall hear and consider all objections which may be made, and shall have power to supply omissions in their assessment, and for the purpose of equalizing the same, to alter, add to, take from, and otherwise correct and revise the same. The said assessors may, if necessary, adjourn from time to time, until their revision shall have been completed. Power to revise.

SEC. 3. When said revision shall have been completed, the city clerk shall enter, under the direction of said assessors, in one or more books to be prepared for that purpose, a complete list of all the taxable real estate in said city, according to the schedules as returned and revised by the assessors, showing in a proper column to be ruled for that purpose, the names of the different owners, so far as known to the said assessors, and in another column the amount of the valuation made in each case. Said books shall also have ruled therein an appropriate column for extending or inserting the amount of the taxes which may be levied upon said property. Said book or books shall together constitute the tax-list of real estate for such year. The city clerk shall also enter, under the direction of said assessors, in another book to be prepared for that purpose, a complete list of the taxable personal estate in said city, as returned and revised by said assessors, showing in the proper column the names of the different persons whose property has been assessed, and in other columns the valuations made by the Tax list of real estate.

Personal-tax list.

assessors. Said book shall also have ruled therein an appropriate column for extending or inserting the amount of the taxes which may be levied thereon. Said book shall constitute the personal tax-list for such year. The clerk shall add up the valuations in each list, and the aggregate amount thereof shall be entered by him at the foot of the appropriate column on the last page. When the said tax-lists shall have been so completed, they shall be signed by the said assessors and left in the custody of the city clerk, and shall constitute the only record to be referred to in any case in which their said assessments may be drawn in question.

Tax levy.

SEC. 4. The common council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied (not exceeding the authorized percentage), particularly specifying the purpose for which the same are levied.

Taxes to be computed by clerk and inserted in tax lists.

SEC. 5. It shall be the duty of the city clerk to estimate the several taxes levied by the common council, computing them together as one tax, and to insert the total amount of such taxes in the appropriate column of the several tax-lists, opposite to the person or property chargeable therewith. When completed, the city clerk shall attach to each of said tax-lists, a warrant, under the corporate seal, to be signed by the mayor, comptroller, and city clerk, directed to the collector, commanding him to make, levy and collect, as the taxes for such year, the several sums of money set opposite to the real and personal estate or persons in said tax lists mentioned or described, of the goods and chattels of the respective owners of such real and personal estate; which warrants shall also designate the names and rates of the several taxes included therein.

Collection warrants.

Delivery of warrants to collector.

SEC. 6. Said tax-lists, with the warrants attached, shall be delivered to the collector by the comptroller, on or before the last day of October in each year, and shall constitute

the only process necessary to be issued for the collection of the annual taxes. The comptroller shall take a receipt from the collector for the said tax-lists, specifying the amount of the taxes levied in each list.

SEC. 7. When any special assessment shall have been confirmed by the common council, and no right of appeal therefrom is given by this act, it shall be the duty of the city clerk to issue a warrant for the collection thereof, which shall be under the corporate seal and signed by the mayor, comptroller and city clerk, and shall contain a copy of the assessment roll as confirmed by the common council, or so much thereof as describes the real estate assessed and the amount of the assessment in each case. If the right of appeal from the order of confirmation should exist in any case, said warrant shall not be issued until the expiration of the time limited for the taking of such appeal; and if in any case an appeal should be actually taken, the issuing of the warrant shall be delayed until after the determination of such appeal.

Special assessment warrants.

SEC. 8. All warrants issued for the collection of special assessments, shall be delivered by the comptroller to the collector, taking his receipt therefor in the manner prescribed in the case of warrants for the collection of the annual taxes.

Delivery to collector.

SEC. 9. Upon the receipt of any warrant for the collection of the annual taxes, or any special assessment, the collector shall forthwith give notice, by ten days' publication in the corporation newspaper, that such warrant is in his hands for collection, briefly describing its nature, and requesting all persons interested to make immediate payment at his office, and that in default thereof the same will be collected at the cost and expense of the persons liable for the payment of such taxes or assessments. Immediately after receiving the personal-property tax-list, he shall notify all persons through the post office of the amount of their personal-property tax. In the notice to be published in the corporation newspaper, he shall notify all parties interested,

Notices to be given by collector.

that after the expiration of sixty days from the day of receiving said list, he will levy upon the personal property of all who shall have failed to pay; and, at the end of sixty days, he shall so levy, if property belonging to such delinquent persons can be found; and he shall be liable for the amount of their tax in case of neglecting to do so. Where persons cannot be found, or property belonging to them, out of which to make the tax, the collector shall advertise their names and call for information concerning them and their property, and state the amount of their tax in the corporation newspaper; and this tax shall be a lien upon any property they may have or may thereafter acquire, until paid; and the collector or his successor in office may at any time thereafter levy for the same. But nothing in this section contained shall be so construed, as to prevent the collector from levying at any time after the publication of the ten days' notice above required.

Taxes a lien on real estate from first of May.

SEC. 10. All taxes levied by the common council under this act, shall be a lien upon the real estate on which the same may be imposed, and said lien shall continue until said taxes are paid. Every person owning real property on the first day of May, including all such property purchased on that day, shall be liable for the taxes thereon for that year.

Lien on personal property.

The city taxes shall also be a lien on the personal property of all persons owing taxes, from and after the delivery of the warrant for the collection thereof to the collector; and no sale or transfer of said property shall affect the lien, but the said property may be seized by the collector wherever found, and removed, if necessary, and sold to discharge the taxes of the person owing the same; and the same proceedings may be resorted to by the collector upon any warrant issued for the collection of a special assessment.

Damages, when collectible.

SEC. 11. If, from any cause, the taxes charged in the real-estate tax-list shall not be collected or paid, on the lands or lots described therein, on or before the first day of January ensuing the date of the warrant, it shall be the duty of the

collector to demand and collect, for the use of said city, in addition to the taxes remaining unpaid, five per cent. damages thereon in every case; and if the assessments charged in any special-assessment warrant shall not be paid within sixty days after the first publication of notice by the collector that he has received such warrant for collection, the assessments then remaining unpaid shall be collected with damages, at the rate of one per cent. thereon for each and every month thereafter until the same shall be paid.

SEC. 12. It shall be the duty of the collector, between the fifteenth day of January and the last day of February in each year, to make report to some court of general jurisdiction held in said city, at any special or general term thereof, of all the taxes and assessments then remaining unpaid upon the real-estate tax-list, and all special-assessment warrants which were delivered to him on or before the last day of the preceding October, asking for judgment against the several lots and parcels of land, or other property described in such list or warrants, for the amount of taxes, assessments, damages and costs respectively due thereon. The collector shall give notice, by six days' publication thereof in the corporation newspaper, of his intended application for judgment, which shall briefly specify the nature of the respective warrants upon which such application is to be made, and request all persons interested to attend at such term. The advertisement, so published, shall be deemed and taken to be sufficient and legal notice of the aforesaid intended application by the collector to such court for judgment, and shall be held a sufficient demand and refusal to pay the said taxes and assessments.

Application
for judgment
against delin-
quent prop-
erty.

Notice.

SEC. 13. The collector shall obtain a copy of the advertisement or advertisements referred to in the preceding section, together with a certificate of the due publication thereof, from the printer or publisher of the newspaper in which the same was published, and shall file the same with the clerk of such court at the said term, with said reports.

Copy of no-
tice to be
filed.

Tax and assessment suits.

SEC. 14. The clerk of said court, upon the filing of such reports, by the collector, shall receive and preserve the same, and shall record thereon all judgments, orders and other proceedings of said court in relation thereto. Each of said reports shall constitute a separate suit, and shall be docketed by the clerk in the following form as nearly as may be, to-wit:

City of Chicago, vs. ——— and others. — Suit for Taxes. Or if it be an assessment for some specified improvement, in the manner following:

City of Chicago, vs. ——— and others. — Suit for Assessment on Warrant, for ———. Or in such other manner as will sufficiently indicate the nature of the improvement for which the assessment is due.

Judicial proceedings.

SEC. 15. It shall be the duty of the court, upon the filing of said reports, to proceed immediately to the hearing of the same, and they shall have priority over all other causes pending in said court. The said court shall pronounce judgment against the several lots and parcels of land or other property described in said reports, for which no objections shall be filed, for the amount of the tax or assessment, damages and costs due severally thereon. The owner of any property described in said reports, or any person beneficially interested therein, may appear at said court, at the time designated in the collector's notice, and file objections in writing to the recovery of judgment against such property; but no objection shall be sustained founded on any mere formal irregularity or defect. The court shall hear and determine all objections in a summary way, without pleadings; and shall dispose of the same with as little delay as possible consistently with the demands of public justice. But should justice require that for any cause the suit as to one or more owners should be delayed for more than twenty days, judgment shall then be rendered as to the other property and lands, and process shall issue for the sale thereof the same as in all other cases.

SEC. 16. In all cases where judgment shall be rendered Order of sale. by default against the property described in said reports, the court shall thereupon direct said clerk to make out and enter an order for the sale of the same, which said order shall be substantially in the following form :

WHEREAS, Due notice has been given of the intended application for a judgment against said lands and other property, and no owner hath appeared to make defense or show cause why judgment should not be entered against the said lands and other property for the taxes, (or assessment, as the case may be,) damages and costs due and unpaid thereon; therefore, it is considered by the court, that judgment be and is hereby entered against the aforesaid lots and parcels of land and other property, in favor of the city of Chicago, for the sum annexed to each lot or parcel of land or other property, being the amount of the taxes, (or assessment,) damages and costs due severally thereon; and it is ordered by the court that the said several lots and parcels of land or other property, or so much thereof as shall be sufficient, of each of them, to satisfy the amount of the taxes, (or assessment,) damages and costs annexed to them severally, be sold as the law directs.

In all cases where a defence shall be interposed, and judgment shall be rendered against the property, a similar order, adapted to the circumstances of the case, shall be made out and entered of record. Ten cents costs shall be taxed to each lot against which judgment is rendered; five cents to be for clerk's and judge's fees, and five cents for advertising the notice of sale.

SEC. 17. It shall be the duty of the clerk of such court, Process for sale. within twenty days after such order is granted as aforesaid, to make out, under the seal of said court, a copy of so much of said collector's report in such case as gives a description of the land or other property against which judgment shall have been rendered, and the amount of such judgment, together with the order of the court thereon; which shall constitute the process on which all lands, lots, sub-lots, pieces and parcels of land or other property, shall be sold for the amount of any taxes, assessments, damages and costs so levied, assessed or charged upon them; and the said city collector is hereby expressly authorized and empowered

Notice of
sale.

to make sale of such lands, lots, pieces, or parcels of land or other property, upon ten days' notice, to be published at least three times in some newspaper printed in said city.

Contents of
notice.

SEC. 18. The said advertisement, so to be published in each case of a judgment upon any special or general collection warrant and report as aforesaid, shall contain a list of the delinquent lots and parcels of land or other property to be sold, the names of the owners, if known, the amount of the judgments rendered thereon respectively, and the warrant upon which the same was rendered, the court which pronounced the judgment, and a notice that the same will be exposed to public sale at a time and place to be named in said advertisement by said collector. The omission of the name of any owner, or any mistake respecting the same, shall not invalidate the sale, if the property be otherwise described with sufficient certainty. The proceedings may be stopped at any time upon payment of said judgment to the collector.

Abbrevia-
tions.

SEC. 19. In all proceedings and advertisements for the collection of such taxes and assessments, and the sale of lands therefor, letters and figures may be used to denote lots, sub-lots, lands and blocks, sections, townships, ranges, and parts thereof, the year and the amounts.

Mode of con-
ducting sale.

SEC. 20. The sale shall be made for the smallest portion of ground, (to be taken from the east side of the premises,) for which any person will take the same and pay the amount of the judgment thereon. Certificates of sale shall be made and subscribed by the collector, which shall be delivered to the purchaser, which certificates shall contain the name of the purchaser, a description of the premises sold, the amount of the tax or assessment, with the amount of the judgment for which the same was sold, and the time when the right to redeem will expire. The collector shall continue such sale from day to day, until all the lots or parcels of land or other property contained in his precept, on which judgment remains unpaid, shall be sold or offered for sale.

Certificates
of purchase.

SEC. 21. The person purchasing any lot or parcel of land or other property, shall forthwith pay to the collector the amount of the judgment due thereon, and on failure so to do, the said property shall be again offered for sale in the same manner as if no such sale had been made; and in no case shall the sale be closed until payment shall have been made. If no bid shall be made for any parcel of land, or other property, the same shall be struck off to the city; and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

Purchasers to make immediate payment.

If no bid, property to be struck off to the city.

SEC. 22. The collector shall make return of his precept to the court from which the same was issued. A record of all sales made by the collector shall be kept in the office of the comptroller, which shall be open to public inspection at all reasonable times; and said record or copies thereof, certified by said comptroller, shall be deemed sufficient evidence to prove the sale of any land or other property for taxes or assessments, or any other fact authorized to be recorded therein.

Return of precept. Record of sales.

SEC. 23. The right of redemption in all cases of sales for taxes or assessments, shall exist to the owner, his heirs, creditors, or assigns, to the same extent as is allowed by law, in the case of sales of real estate for taxes, on the payment, in lawful money of the United States, of double the amount for which the same was sold, and all taxes accruing subsequent to the sale, with interest at the rate of ten per cent. per annum. If the real estate of any infant, *feme-covert*, or lunatic, be sold under this act, the same may be redeemed, at any time within one year after such disability shall be removed. Redemption shall be made by the payment of the amount of redemption money to the treasurer, and taking his voucher therefor, and filing the same in the office of said comptroller, who shall thereupon note the fact of said redemption upon his record of sales; or, any person holding a certificate of sale may surrender the same to the

Redemption.

If not re-
deemed, a
deed to be
given.

comptroller to be canceled, and the fact shall in like manner be noted upon said record. Upon the return of the certificate, or proof of its loss, and the filing with the comptroller of the affidavit required by the constitution of this state, if the property shall not have been redeemed according to law, a deed shall be executed to the purchaser, or his assignee, under the corporate seal, signed by the mayor, comptroller and clerk, conveying to such purchaser or assignee the premises so sold and unredeemed, as aforesaid. A memorandum of all deeds so made and delivered shall be entered by the comptroller in the book wherein tax sales are recorded; and a fee of one dollar may be charged by the comptroller for every deed so issued.

Certificates
assignable.

SEC. 24. Such certificate of purchase shall be assignable by endorsement, and an assignment thereof shall vest in the assignee, or his legal representatives, all the right and title of the original purchaser.

Erroneous
sales to be
canceled.

SEC. 25. Whenever it shall appear to the satisfaction of the comptroller, before the execution of a deed for any property sold for taxes, that such property was not subject to taxation, or that the taxes had been paid previous to the sale, he shall make an entry opposite to such property on his record of sales, that the same was sold in error, and such entry shall be evidence of the fact therein stated; and this provision shall apply, so far as the same is applicable, to all sales for special assessments.

Tax deeds
prima facie
evidence of
certain facts.

SEC. 26. All deeds made to purchasers, of lots, lands or other property, sold for taxes or assessments, shall be *prima facie* evidence, in all controversies, and suits, in relation to the right of the purchaser, his or her heirs or assigns, to the premises thereby conveyed, of the following facts:

First. That the land or lot conveyed, was subject to taxation, or assessment, at the time the same was advertised for sale, and had been listed and assessed, in the time and manner required by law.

Second. That the taxes or assessments were not paid at any time before the sale.

Third. That the land or lot conveyed, had not been redeemed from the sale at the date of the deed:

And shall be conclusive evidence of the following facts:

Conclusive
evidence of
certain facts.

First. That the land or lot was advertised for sale, in the manner and for the length of time required by law.

Second. That the land or lot was sold for taxes, or assessments, as stated in the deed.

Third. That the grantee, in the deed, was the purchaser.

Fourth. That the sale was conducted in the manner required by law. And in all controversies and suits, involving the title to the lot or land claimed and held under and by virtue of such deed, the person or persons claiming title, adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land or lot was not subject to taxation at the date of the sale; that the taxes or assessments had been paid; that the land or lot had never been listed and assessed for taxation or assessment, or that the same had been redeemed according to the provisions of this act; and that such redemption was made for the use and benefit of the persons having the right of redemption, under the laws of this state; but no person shall be permitted to question the title acquired by the said deed, without first showing that he, she, or they, or the person under whom he, she or they claim title, had title to the land or lot at the time of the sale, or that the title was obtained from the United States, or this state, after the sale, and that all taxes due upon the lot or land, have been paid by such persons, or the person under whom he claims title as aforesaid; and no deed of land or other property sold for the non-payment of taxes or assessments, shall be questioned in any suit or controversy, unless the person wishing to contest the same, shall have tendered or deposited the amount of

Proof required
to defeat
tax title.

the redemption money and interest, as now provided by the laws of this state, in case of sales of real estate for taxes.

Successor of collector empowered to complete proceedings.

SEC. 27. Any change made in the incumbent of the office of the collector during the pendency of any such proceedings, shall not operate to affect or delay the same, but the successor or successors in office of such collector shall be authorized to do all acts necessary to complete such proceedings, the same as if his predecessor had continued in office. In case of a vacancy occurring in any such office, the proceedings shall be prosecuted by the comptroller until such vacancy is filled by election or otherwise.

Comptroller to act when office vacant.

Assessment sales, when to be made.

SEC. 28. All sales of property for the non-payment of taxes and assessments, for any improvement of what kind soever, shall be held at the same time with the general sale of property for non-payment of city taxes in each year, unless, in particular cases, said sale is stayed or delayed by examination or process of law; the intent hereof being that there shall be but one general collection by sale, of all taxes and assessments whatsoever in each and every year; which sale shall take place in the manner hereinbefore provided and at the same time in each year: *Provided*, That in all cases where judgment shall be delayed in consequence of any appeal, or the delay of any court, in rendering its decision, such sales may be made at any time after final judgment shall have been rendered, upon notice to be given as in other cases.

Liability of assessors and collector for neglect of duty.

SEC. 29. Any assessor, collector, or other officer, who shall in any case refuse or knowingly neglect to perform any duty enjoined upon him by this chapter, or who shall consent to, or connive at, any evasion of its provisions, whereby any proceeding required by this chapter shall be prevented or hindered, shall, for every such neglect or refusal, be liable to said city, individually and upon his official bond, for double the amount of loss or damage caused by such neglect or refusal, to be recovered in an action

of debt, in any court having jurisdiction of the amount thereof.

SEC. 30. No assessment of property, or charge for taxes or assessments thereon, shall be considered illegal on account of any irregularity or informality in the tax lists or assessment rolls, or on account of the assessment rolls or tax list not being made, completed, or returned within the time required by law, or on account of the property having been charged or listed in the assessment or tax list without name, or in any other name than that of the rightful owner; and no error or informality in the proceedings of any of the officers entrusted with the levying and collection of taxes or special assessments, not affecting the substantial justice of the tax or assessment itself, shall vitiate or in any way affect the tax or assessment.

Formal defects not to defeat taxes or assessments.

SEC. 31. If any purchaser of lands, lots, or other property, sold for city taxes or assessments, shall suffer the same to be again sold for like taxes or assessments, before the expiration of two years from the date of his or her purchase, such purchaser shall not be entitled to a deed for the property until the expiration of two years from the date of the second sale; during which time the land, lot, or other property shall be subject to redemption, and the person redeeming shall only be required to pay for the use of the purchaser at the first sale, the amount paid for the property, and double the amount paid by the second purchaser, for his use, as in other cases.

Redemption in case of second sale within two years.

CHAPTER X.

THE POLICE DEPARTMENT.

SECTION.

1. Board of police, how constituted; quorum.
2. Appointment of president and secretary; secretary's salary.
3. Commissioners' oath of office; bond.
4. Power and authority of the board; power to construct telegraph lines.
5. General duties of the board.
6. Authority to establish rules and regulations; organization of police force; appointments.
7. Qualifications and duties of police officers, their mode of trial and removal, to be prescribed by the rules of the board; appointment of superintendent; ineligibility; removals from office; promotions.
8. Salary of commissioners; salary of superintendent and other officers; members of the force prohibited from receiving gifts or fees for police service; not to aid in the defense of accused persons.
9. Complaints against police officers; trial; appeal.
10. Police life and health insurance fund.
11. Relief to be provided for disabled policemen.
12. Powers of police officers; certain officers authorized to enter buildings or vessels to prevent felonies, or arrest felons; power to serve process.
13. Detection and arrest of gamblers.
14. City to be divided into police precincts; police stations; superintendent to promulgate all regulations and orders.
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16. Power to appoint patrolmen on request and at the expense of private persons; special patrolmen.
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SECTION.

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36. Repealing clause.

Board of police, how constituted.

SECTION 1. There is hereby established an executive department of the municipal government of said city, to be known as the board of police. Said board shall consist of

three commissioners, in addition to the mayor, who shall be *ex-officio* a member thereof, to be chosen in the manner hereinbefore prescribed; and a majority of said board shall constitute a quorum for the transaction of business.

Mayor a member *ex-officio*.

Quorum.

SEC. 2. The said board shall appoint one of their own number to act as president, and some other person to act as secretary; and the secretary shall receive such annual salary as may be determined upon by the board of police.

President.

Secretary—his salary.

SEC. 3. Before entering on the duties of their office, said commissioners shall take an oath to obey the constitution and laws of this state, and faithfully to perform the duties of their said office, the certificate of which oath shall be filed in the office of the city clerk. Each of said commissioners, before entering on the duties of his office, shall also give a bond to said city in the sum of twenty-five thousand dollars, with sureties to the satisfaction of the judge of the circuit court of Cook county, conditioned for the faithful discharge and performance of his duties as such commissioner; and that he will well and truly account for and pay over any and all moneys, and surrender any and all property, books, and papers, which may come into his hands as such commissioner, on the expiration or other termination of his term of office.

Oath of commissioners.

Bond.

SEC. 4. Said board shall assume and exercise the entire control of the police force of said city, and shall possess full power and authority over the police organization, government, appointments, and discipline within said city. It shall have the custody and control of all public property, books, records, and equipments belonging to the police department, and shall have power to erect and maintain, under the general laws of the state relating to telegraph lines, all such lines of telegraph in such places within the said city, as for purposes of police, the board shall deem necessary, whenever the common council shall authorize the establishment of such telegraph line or lines.

General powers of the board.

Power to construct telegraph lines.

SEC. 5. It shall be the duty of the board of police hereby

General duties.

Pursuit of
fugitives
from justice.

constituted, at all times of the day and night within the boundaries of the said city of Chicago, to preserve the public peace, to prevent crime and arrest offenders, to protect rights of person and property, to guard the public health, to preserve order, to remove nuisances existing in public streets, roads, places and highways, to provide a proper police force at every fire, in order that thereby the firemen and property may be protected, to protect strangers and travelers at steamboat and ship landings, and railway stations, and to obey and enforce all ordinances of the common council within the city which are applicable to police or health. Whenever any crime shall be committed in said city, or within the county of Cook, and the person or persons, accused or suspected of being guilty, shall flee from justice, the said board of police may, in their discretion, authorize any person or persons to pursue and arrest such accused or suspected person or persons, and return them to the proper criminal court, having jurisdiction of the offence, for trial.

Power to es-
tablish rules
and regula-
tions.

Organization
of police
force.

Appoint-
ments.

Qualifica-
tions and

SEC. 6. The duties of the police force shall be executed under the direction and control of said board, and according to rules and regulations which it is hereby authorized to pass from time to time, for the more proper government and discipline of its subordinate officers and the police force of said city. The said police force shall consist of a superintendent of police, three captains of police, six sergeants, ninety police patrolmen, and as many more police patrolmen, sergeants, and deputy superintendents, as may be authorized by the common council on the application of the board. The said offices hereby created shall be severally filled by appointment in the mode prescribed by this act, and each person so appointed shall hold office only during such time as he shall faithfully observe and execute all the rules and regulations of the said board, the laws of the state, and the ordinances of the city.

SEC. 7. The qualifications, enumeration and distribution

of duties, mode of trial and removal from office, of each officer of said police force, shall be particularly defined and prescribed by rules and regulations of the board of police: *Provided*, however, that no person shall be appointed to or hold the office of superintendent of police without the advice and consent of the common council to every such appointment; nor shall any person be appointed to or hold office in the police force aforesaid, who is not a citizen of the United States, or who shall not have resided within the state of Illinois two years next preceeding his appointment, or who shall ever have been convicted of crime: *And provided*, that no person shall be removed therefrom, except upon written charges preferred against him to the board of police, and after an opportunity shall have been afforded him of being heard in his defense; but the board of police shall have power to suspend any member of the police department of the city, pending the hearing of the charges preferred against him: *And provided*, that whenever any vacancy shall occur in the office of captain of police, the same shall be filled by an appointment from among the persons then in office, as sergeants of police, and a like vacancy in the office of sergeant of police, shall be filled by appointment from among the persons then in office as police patrolmen.

duties, mode of trial and removal, to be prescribed by rules of the board.

Appointment of superintendent.

Persons ineligible.

Removals not to be made, except for cause.

Promotions.

SEC. 8. The police commissioners shall receive such annual salaries as may be fixed upon and allowed by the common council, and no other compensation shall be paid or allowed. The superintendent of police shall receive a salary of fifteen hundred dollars per annum. Each captain shall receive a salary of seven hundred dollars per annum, and each sergeant a salary of six hundred and fifty dollars. The pay of each police patrolman shall be at the rate of not less than four hundred and eighty, nor more than six hundred dollars per annum. The salaries shall be paid monthly to each person entitled thereto. No member of the board of police, or of the police force, shall receive or share in, for his own benefit, under any pretense whatsoever,

Salary of commissioners.

Salary of superintendent and other officers.

Members of police force not to receive gifts or fees for service, without permission.

any present, fee, gift or emolument for police service, other than the regular salary and pay provided by this section, except by the unanimous consent of the board of police; nor shall any such member receive or share in any fee, gift or reward, from any person who may become bail for the appearance of any arrested, accused or convicted person, or who may become surety for any such person on appeal from the judgment or decision of any court or magistrate; or any fee, gift or reward, in any case, from any attorney at law, who may prosecute or defend any person arrested or prosecuted for any offense within the county of Cook; nor shall any such member either directly or indirectly interest himself, or interfere, in any manner whatever, in the employment or retainer of any attorney, to aid in the defense of persons arrested or accused; and for any violation of either of the foregoing provisions, the officer so offending shall be immediately removed from office.

Any citizen
may prefer
charges
against po-
lice officers.

SEC. 9. Any citizen of Chicago, with a view to the trial and suspension or removal from office of any officer or policeman of the police, may, on oath in writing, prefer or make, before the board, charges or complaint touching the character and competency, or affecting the acts, conduct or omissions of such officer or policeman, or for violation of, or misconduct as defined and prescribed by, the rules and regulations of the board; and said board after reasonable notice, not exceeding ten days, to the person charged, shall proceed to the trial of said officer or policeman on such charges or complaint, and shall have power to, and shall issue subpoenas, tested in the name of the president of the board to compel the attendance of witnesses, to administer oaths and affirmations, and generally shall, for the purposes of such trial, have and exercise the powers and duties of justices of the peace in civil cases, so far as the same are applicable, and may make an order of removal or suspension for some certain period. The party complaining, or person charged, feeling aggrieved by any such order, may

Trial of char-
ges.

Appeals.

at once, on giving bond to the president of the board, with security to be approved by him or the board, conditioned for the payment of accrued and accruing costs, appeal from the order or finding of the board to any court of record of Cook county (except the county court), which said court shall proceed to the trial of said complaint as speedily as may be, and in preference to other cases, and make such final order in the case as equity and justice shall require; and said order shall be final and conclusive, without further appeal. If, on such trial, said charges or complaint shall be sustained, such officer or policeman shall pay the costs of such proceeding, and the same may be deducted and withheld from his pay, and, in case of his suspension, his pay shall also cease from the date of the charge and during the period of suspension. If such complaint shall be dismissed or not sustained, then the person making the same shall pay all costs. In trials under this section, the same costs shall be charged and taxed as in trials before justices, and be collected on execution, as the case may be, from the court, or on execution to be issued by any justice of the peace, on certificate of the same by the board and order for execution, said costs, when collected, to be paid to the treasurer of the board, for the benefit of those concerned. But the said board shall not tax or receive any fees for themselves, or for any member thereof.

SEC. 10. All rewards, fees, proceeds of gifts and emoluments, that may be allowed by the board of police to be paid and given for or on account of extraordinary services of any member of the police force, and all moneys arising from the sale of unclaimed goods, shall be paid into the city treasury, and shall constitute a fund, to be called the "Police Life and Health Insurance Fund;" and the persons who shall, from time to time, fill the office of president of the board of police and that of the comptroller of the city of Chicago, are hereby declared the trustees of the said fund, and may invest the same as they shall see fit, either in whole or in part.

Costs.

Police life
and health
insurance
fund.

Disabled policemen to be relieved from the fund.

SEC. 11. Whenever any member of the police force, in actual performance of his duty, and in consequence of the performance of such duty, shall become bodily disabled, his necessary expenses during the time his disability as aforesaid continues, may become a charge upon the fund provided for in the preceding section, at the discretion of said board of police. The board shall inquire into the circumstances, and if satisfied the charge upon the said fund is correct, may order the same to be paid by the draft of the said trustees upon the said fund, each writing his signature thereto. But the provisions of this section shall not apply to special patrolmen appointed as hereinafter provided, at the request and expense of private parties.

Powers of police officers.

SEC. 12. The members of the police force of the said city of Chicago, shall possess in every part of the county of Cook, all the common-law and statutory powers of constables, except for the service of civil process, and any warrant for search or arrest by any magistrate of the state of Illinois, may be executed in any part of the county of Cook, by any member of the police force of the said city of Chicago, without any backing or endorsement of the said warrant, and according to the terms thereof. The superintendent, deputy superintendent, or any captain of police, having just cause to suspect that any felony has been, or is being, or is about to be committed within any building, or on board of any ship, boat or vessel within the said city of Chicago or county of Cook, may enter the same at all hours of the day or night, to take all necessary measures for the effectual prevention or detection of all felonies, and may take then and there into custody, all persons suspected of being concerned in such felonies, and also may take charge of all property which he or they shall have then and there just cause to suspect has been stolen. The members of said police force may also serve or execute any process, civil or criminal, issued by the police court of said city, or either of the justices thereof.

Authority to enter buildings or vessels; to prevent felonies or arrest felons.

Power to serve process.

SEC. 13. If the superintendent of police shall report in writing to the board of police that there are good grounds for believing any house or room within the said city of Chicago, is kept or used as a common gaming house or cock-pit, and if two or more householders dwelling within the said city, and not belonging to the police force, shall make oath in writing before any one of the commissioners of police, to be annexed to said report, (which oath every commissioner of police is hereby empowered to administer, receive and subscribe), that the premises complained of by the superintendent are commonly reported, and are believed by the deponents to be kept as a common gaming house or cock-pit, it shall be lawful for any commissioner of police, by order in writing, to authorize the superintendent, or the deputy superintendent of police, to enter upon such premises, taking with him or them, such members of the patrol force as shall be necessary, and, if necessary, to use force for the purpose of effecting such entry, whether by breaking open doors or otherwise, and the said superintendent shall be authorized to take into custody all persons who shall be found therein, and to destroy all implements of gaming found therein, and shall forthwith convey the person or persons found therein before one of the police justices in said city, who shall forthwith proceed to hear the proof, and if there be probable cause for believing that such person or persons have been guilty of any crime or misdemeanor, then the said magistrate shall forthwith order such person or persons to find good bail, with two householders of said city of Chicago, as his or their sureties conditioned for his or their appearance at the proper criminal court to answer any indictment which may be found; and in default thereof, such magistrate shall commit such person or persons to the county jail.

Detection
and arrest of
gamblers.

Destruction
of gaming
implements.

SEC. 14. It is hereby made the duty of the board of police, for more effectually distributing and enforcing its police government and discipline, to divide the said city of

Police pre-
cincts.

Police stations.

Superintendent to be chief of police.

Special policemen.

Power to appoint special patrolmen for accommodation of private persons.

Power to appoint additional patrolmen for special occasions.

Chicago into precincts, without regard to ward boundaries, and to assign captains of police, and sergeants of police, to each of said precincts, as they shall deem for the best interest of said city. The board may, from time to time, establish a station or sub-station in each precinct or division, for the accommodation of the police force on duty therein. It shall promulgate all regulations and orders through the superintendent of police, and it shall be the duty of the police force to respect and obey the said superintendent as the head and chief of the same, subject to the rules and regulations and general orders of the board.

SEC. 15. The said board of police is hereby authorized to appoint persons of suitable character, who may be in the employment of the city in other branches or departments, special policemen: *Provided*, such special policemen shall not be paid for their services as policemen out of the city treasury. Such policemen shall possess the same power as the regular police patrolmen, and shall obey the rules and regulations of the board, and conform to its general discipline.

SEC. 16. The board of police whenever it may see fit, shall, on the application of any person or persons showing the necessity thereof, appoint and swear any number of additional patrolmen to do duty at any place within the city of Chicago, at the charge and expense of the person or persons to [by] whom the application shall be made, and the patrolmen so appointed shall be subject to the orders of the board of police, and shall obey the rules and regulations of the board, and conform to its general discipline and to such other special regulations as may be made, and shall wear such dress or emblem as the board may direct, and shall, during the term of their holding appointment, possess all the powers, privileges and duties of the patrol force herein prescribed. The persons so appointed may be removed at any time by

the board of police, without assigning cause therefor. The board of police may also, upon any emergency or riot, pestilence, invasion, or during any day of public election or

celebration, appoint as many special patrolmen from among the citizens of Chicago as it may deem advisable, and for a specified time, and during the term of service of any such special patrolmen, they shall possess all the powers and privileges and perform all the duties of patrolmen of the standing police force of the city.

SEC. 17. No member of the police force, under penalty of forfeiting the pay which may be due to him, shall withdraw or resign from the police force, unless he shall have given one week's notice thereof, in writing to the superintendent of police; and no person, who shall ever have been removed from the police force established by this act, for cause, shall be re-appointed by the board of police to any office in the said police force.

Members of police force to give notice of intention to resign.

Persons removed not to be re-appointed.

SEC. 18. All stolen or other property taken by the members of the police force, shall be deposited and kept in a place, and by a person to be designated by the board of police; and in case of the neglect or refusal of any officer to so deposit the property taken or found upon the possession of any person or persons arrested, he shall be subject to indictment, and be fined in a sum not exceeding three thousand dollars, and in no case, less than the value of the property, and be imprisoned in the county jail not to exceed one year, and the sentence of the court, in such cases, *ipso facto*, shall vacate the office of the person so convicted. Every such article of property shall be entered in a book kept for the purpose, together with the name of the owner, if ascertained, and the name of the place where found, and of the person from whom taken, with the general circumstances and the date of its receipt, and the name of the officer recording the same. An inventory of all money or other property shall be given to the party from whom the same was taken; and in case the same shall not, within ten days after such arrest and seizure, be claimed by any other person or persons, it shall be delivered to the person from whom the same was taken, and to no other person, either

Disposition of stolen property.

Register to be kept..

attorney, agent, factor or clerk. In case said money or property shall, within said ten days, be claimed by any other person or persons, it shall be retained by said custodian, until after the discharge or conviction of the person from whom the same was taken ; and if such claimant or claimants shall establish to the satisfaction of the committing magistrate, that he or they are the rightful owners, the same shall be restored to him or them, unless otherwise directed by the higher court ; otherwise, it shall be returned to the accused personally, and not to any attorney, agent, factor or clerk of such accused person, after all liens or claims against the same have first been discharged and satisfied. The board of police shall also cause to be kept general complaint books, in which shall be entered every complaint, preferred upon personal knowledge of the circumstances thereof, with the name and residence of the complainant. It shall also cause to be kept books for the registry of lost, missing or stolen property, for the general convenience of the public, and of the police force of the city. It shall also cause to be kept books of records, wherein shall be entered the name of every member of the police force, with his time and place of nativity, the time and place when he became a citizen (if he was born out of the United States,) his age, his former occupation, number of family, and the residence thereof, the date of appointment or dismissal from office, with the cause of the latter, and in every such record, sufficient space shall be left against all such entries, wherein to make record of the number of arrests made by such members of the police force, or of any special services deemed meritorious by the captains of police. It shall also cause to be kept in proper books, the accounts of the board, and a record of their proceedings ; and they shall preserve and file copies of all bills audited and allowed, and keep an accurate account of all the expenses of the police department. The board of police shall also cause to be kept and bound, all police returns and reports.

Complaint
books to be
kept.

Registry of
lost and stol-
en property.

Record to be
kept of po-
lice force.

Record of
proceedings.

SEC. 19. It shall be the duty of the board of police to provide at the expense of said city, all necessary accommodations, within such precincts as shall be contained within the boundaries of said city, for the station houses required by the board of police for the accommodation of the police force of such precincts, for the lodging of vagrants and disorderly persons, and for the temporary detention of persons arrested for offences. It shall also be the duty of said board of police to furnish the same suitably, and to warm and light the same by day and night; and in every case of arrest, the same shall be made known to the captain upon duty in the precinct wherein such arrest was made, by the person making the same, and it shall be the duty of the said captain, as soon as practicable after such notice, to make written return thereof according to the rules and regulations of the board of police, together with the name of the party arrested, the offence, the place of arrest, and the place of detention. All persons arrested by the officers or members of the police force, shall be detained, while in their custody, only in the place or places provided for that purpose; and no trial or examination of any person arrested, shall be held in the office of the superintendent of the police or of the board. Necessary and usual articles of clothing or personal apparel on the person, or in the possession of persons arrested and detained, shall not be taken or seized by the police, unless there be reason to suspect that the clothing has been stolen or obtained unlawfully. The board of police shall provide suitable accommodations within said city, for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings, and such accommodations shall be in premises other than those employed for the confinement of persons charged with crime, fraud or disorderly conduct; and it shall be the duty of all magistrates, in committing witnesses, to have regard to the rules and regulations of the board of police in respect to their detention. Every person arrested by the police

Accommodations to be provided at police stations for detention of arrested persons.

Arrests to be reported.

Detention and examination of persons arrested.

Detention of witnesses.

Bail.

charged with the violation of any city ordinance, shall be entitled to give special bail for his appearance to answer to such charge; but no member of the police force shall become, or furnish bail for any person arrested.

Police expenses to be a city charge.

SEC. 20. The necessary expenses incurred in the execution of criminal process, and the maintenance of the police department, hereby created within the said city of Chicago, shall be a city charge. The board of supervisors of Cook county assembled, may call upon the board of police to appoint, for duty within the said county, as many men as it shall enumerate and describe, upon appropriating to the police fund the necessary expenses and salaries to be incurred thereby. Any of the village or town authorities within the said county, may also make such demand upon the board of police, upon making the like provisions of pay, and it shall be the duty of the board of police to appoint such officers, who shall thereafter become regular members of the police force of the city of Chicago, and, subject to all the rules and regulations of the board, discharge the duties and possess powers and privileges as such members. The supervisors of the county of Cook are hereby authorized, from time to time, to levy and raise by tax upon the real and personal property taxable within said county, such sum or sums of money as may be required to carry into effect the provisions of this section, or the police purposes of this act.

Annual estimate of police expenses to be furnished by the board.

SEC. 21. It shall be the duty of the board of police to prepare and submit to the comptroller, on or before the first day of May in every year, an estimate of the whole cost and expense of providing for and maintaining the police department of said city during the current fiscal year, which estimate shall be in detail, and shall be laid, by the comptroller, before the common council, with his annual estimate. The common council may revise said estimate, and the aggregate amount of the sums required after such revision, shall be provided for in the general tax levy to be laid on said city. Said money, when collected, shall be

To be raised by tax.

paid into the city treasury, and shall be styled the police fund, and shall be drawn out therefrom for police purposes, under the fiscal regulations established by this act.

SEC. 22. All moneys hereafter to be paid to any person or persons out of the police fund, shall be certified by the president or acting president of the board of police, to the comptroller, who shall draw his warrant on the treasurer therefor, stating therein the fund to which the same is chargeable, and the person to whom payable; and such warrant shall be countersigned by the president, or in his absence, by the acting president of the board of police and the mayor.

Police fund,
how dis-
bursed.

SEC. 23. No expense, other than salaries and pay herein provided, shall be incurred by the board of police, except for rents, stationery, printing, advertising, fuel and light, unless the same shall be expressly authorized, and provision therefor made, as a separate county or city charge, by the board of supervisors for the county of Cook, or the common council of the city of Chicago, within which the expenditure becomes necessary. The books and accounts kept by said board shall be at all times subject to the inspection of the mayor and comptroller; and the common council may, at any time, require any information respecting the same, the disclosure of which will not impair the usefulness and efficiency of the police department.

Power of
board to in-
cur expense,
limited.

Books and
accounts to
be subject to
inspection.

SEC. 24. The board of police shall at all times cause the ordinances of the city to be properly enforced; and it shall be the duty of said board, at all times, whenever consistent with the rules and regulations of the board and with the requirements of this chapter, to furnish all information desired, and comply with all the requests made by the common council of said city, or by the mayor thereof, to quell riots, suppress insurrections, protect the property and preserve the public tranquillity. The board of police shall have the power to issue subpoenas, tested in the name of its president, to compel before it, the attendance of witnesses

Board to en-
force city or-
dinances.

Power to is-
sue subpoe-
nas for wit-
nesses.

To administer oaths.

upon any proceeding authorized by its rules and regulations. Each commissioner of police, the superintendent of police, and the secretary of the board of police, are hereby given power to administer, take, receive and subscribe all affirmations and oaths to any witnesses summoned and appearing in any matter or proceeding authorized as aforesaid, or to any depositions necessary by the rules and regulations of the board. Any willful and corrupt false swearing by any witness or person making deposition before any of the officers last mentioned, to any material fact, in any necessary proceedings under the said rules and regulations, shall be deemed perjury; and punished in the manner now prescribed by law for such offence. The provisions of law now existing in respect to attachment of witnesses before justices of the peace, and to the compulsory attendance of the said witnesses, to appear and testify before them, are hereby applied to the case of witnesses subpoenaed before the board of police.

Power to compel attendance of witnesses.

Security to be taken from certain officers of police.

SEC. 25. The board of police shall require and make suitable provisions respecting security to be entered into by the superintendent and deputy superintendent of police, and by the captains of police, and for the taking, by members of the police force, of an oath of office, and the registry of the certificate of the same in a book to be kept for that purpose by the board, which oath of office may be taken before any commissioner of police, who is hereby empowered to administer and receive the same.

Oath of office.

Superintendent to make quarterly reports.

SEC. 26. The superintendent of police shall make to the board, quarterly reports, in writing, of the state of the police force, with such statistics and suggestions as he may deem advisable for the improvement of the police government and discipline. The board of police shall, on or before the first Monday in April, in each year, report in writing, the condition of the police within the said city, to the common council.

Annual report to be made by board.

Exemption from military and jury duty, &c.

SEC. 27. No person holding office under this act shall be

liable to military or jury duty, or to arrest on civil process, while actually on duty.

SEC. 28. It shall be a misdemeanor, punishable by imprisonment in the county jail, not less than one year nor exceeding two years, for any person, without justifiable or excusable cause, to use personal violence upon any elector in said city of Chicago while attending the polls upon any election day, or upon any member of the police force thereof when in the discharge of his duty; or for any such member to neglect making any arrest for an offence against the law of the state, committed in his presence, or for any person, not a member of the police force, to falsely represent himself as being such member with a fraudulent design.

Penalty for assaulting electors, &c.

BOARD OF HEALTH.

SEC. 29. In addition to their other powers and duties, said board of police shall also perform the duties of a board of health; and shall make diligent inquiry with respect to all matters affecting the health of said city, and cause all nuisances which may exist, which they may deem obnoxious to the health and lives of its inhabitants, to be abated or removed at their discretion, under a penalty of not less than five, nor more than five hundred dollars, for every neglect or refusal of any person to comply with any order of said board.

Commissioners to act as a board of health.

Power to abate nuisances.

SEC. 30. It shall be lawful for said board, to take such measures as they may, from time to time, deem necessary, to prevent the spread of any pestilential or infectious disease; to see that suitable provisions are made for the accommodation of such sick persons as properly come under the care of the city; and to make daily, weekly or monthly reports of the mortality of the city, as they may think proper and expedient.

Empowered to take measures to prevent the spread of disease.

Reports of mortality.

SEC. 31. Every person practicing physic in the city, who shall have a patient laboring under any malignant or yellow fever, or other infectious or pestilential disease, shall forth-

Physicians to report infected patients.

with make report thereof, in writing, to the secretary of said board ; and for neglecting so to do, shall be considered guilty of a misdemeanor, and be liable to a fine of fifty dollars, to be sued for and recovered in an action of debt, in any court having cognizance thereof, with costs, for the use of said city.

Visitation of
boats and
vessels, &c.

SEC. 32. It shall be the duty of said board, to detail some officer of the police force, to visit and inspect all boats or vessels coming, or lying and being within the harbor of the city, which are suspected of having on board any pestilential or infectious disease, and all stores and buildings which are suspected to contain unsound provisions or damaged hides, or other articles, and to make report of the state of the same, with all convenient speed, to the president of said board.

Non-resi-
dent infected
persons may
be removed.

SEC. 33. All persons in said city, not resident thereof, who shall be infected with any pestilential or infectious disease, and all things which, in the opinion of said board, shall be infected by, or tainted with, pestilential matter, and ought to be removed, so as not to endanger the health of the city, shall, by order of said board, be removed to some proper place, not exceeding fifteen miles beyond the city bounds, to be provided by the board at the expense of the person who may be removed, if able ; and the board may order any furniture or wearing apparel to be destroyed, whenever they may judge it to be necessary for the health of the city, by making just compensation.

Infected ves-
sels may be
removed to
quarantine.

SEC. 34. In case any boat or vessel shall come or be within the harbor or jurisdiction of the city, and the said board shall believe that such boat or vessel is dangerous to the inhabitants of said city, in consequence of her bringing and spreading any pestilential or infectious disease among said inhabitants, or have just cause to suspect or believe, that if said boat or vessel is suffered to remain within the harbor or jurisdiction aforesaid, it will be the cause of spreading among the said inhabitants any pestilential or

infectious disease, it shall and may be lawful for the said board, by an order in writing, signed by the president for the time being, to order such boat or vessel to be forthwith removed to any distance, not exceeding fifteen miles beyond the bounds of said city, after the delivery of such order to the owner or consignee of said boat or vessel, to quarantine, under such regulations and for such time as the common council or said board may prescribe; and if the master, owner, or consignee, to whom such order shall be delivered, shall neglect or refuse to comply therewith, or if after such removal, such master, owner, or consignee, shall neglect or refuse to obey the regulation which may be prescribed, the said president may enforce such removal or other regulations, in such manner as the council may by ordinance direct; and such master, owner, or consignee, shall be considered guilty of a misdemeanor, and on conviction, shall be fined a sum not exceeding two hundred and fifty dollars, and imprisoned not exceeding six months in the jail of Cook county, or in the city bridewell or house of correction, by any court having cognizance thereof. The said fine shall be paid into the treasury.

SEC. 35. The common council shall have power to prescribe other powers and duties to be exercised and performed by said board for sanitary purposes, and to punish by fine or imprisonment, or both, any refusal or neglect to observe the orders and regulations of the board upon this subject. The members of the police force shall be authorized, under the direction of said board, to enter all houses and other places, private or public, and boats or other vessels, at all times, in the discharge of any duty under the sanitary provisions of this act.

Council may
prescribe
other powers
and duties.

SEC. 36. All acts and parts of acts inconsistent with the provisions of this chapter, are hereby repealed, together with all modes and qualifications of appointment to office, as members of the police department, or of elections to office therein, inconsistent with the provisions hereof.

Repealing
clause.

CHAPTER XI.

THE POLICE COURT.

SECTION.

1. Justices of the peace to be designated by council to hold a police court.
2. Daily sessions to be held; power of justices to fine or imprison.
3. Execution to issue on rendition of judgment; when body of defendant may be taken; imprisonment for non-payment.
4. Appeals and changes of venue.
5. All suits in behalf of the city to be brought in corporate name.
6. The first process shall be a summons; when warrant may issue.
7. Penalties not to be remitted, unless by two-thirds' vote of the council; mayor authorized to release prisoners committed to bridewell.
8. Salary of police justices; all fees to be paid into city treasury.
9. Election of police-court clerk; oath of office and bond; salary; power to administer oaths and appoint deputies.

SECTION.

10. When clerk's office vacant, the court may appoint *ad interim*.
11. Duties of clerk.
12. Witness fees, when to be taxed; how paid.
13. Clerk to prosecute in absence of city attorney; police officers prohibited from conducting prosecution.
14. Clerk to make daily reports to controller; moneys received to be paid over daily.
15. In case of failure to make report and pay over moneys, clerk to be removed.
16. Council authorized to provide for the appointment of prosecuting attorney; duties of said attorney.
17. Clerk and attorney to perform such other duties as council may prescribe.
18. Sessions of the court to be held only in one place; court room not to be changed without a vote of the council.

Justices of peace to be designated to hold a police court.

SECTION 1. The common council shall in the month of May next, after the commencement of the ensuing municipal year, and biennially thereafter, designate two or more justices of the peace in said city, who shall have exclusive jurisdiction as justices of the peace, for two years, or until their successors shall be appointed, in all actions for the recovery of any fine or penalty under the laws of said city, and all ordinances, by-laws or police regulations thereof. Should any vacancy occur, it shall be filled by the common council, but the person so appointed shall serve for the unexpired term only.

Sessions of the court to be held daily.

SEC. 2. The said justices of the peace so designated, shall be styled, police justices, and shall hold a police court in said city. One of them shall hold a session of said police court daily, (Sundays excepted), in such place as the said common council may provide and appoint, until the business before them or him is disposed of. Said justices shall have

power to fine or imprison, or both, in their discretion, where discretion may be vested in them by the ordinance or regulation, or by this act.

SEC. 3. Execution may be issued immediately on the rendition of judgment. If the defendant in any such action, have no goods or chattels, lands or tenements, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in close custody in the jail of Cook county, or bridewell, or house of correction, for a term not exceeding six months, in the discretion of the magistrate or court rendering judgment; and all persons who may be committed under this section, shall be confined one day for each fifty cents of such judgment and costs. All expenses incurred in prosecuting for the recovery of any penalty or forfeiture, when collected, shall be paid to the treasurer for the use of the city.

Execution,
when issued.

When de-
fendant may
be imprison-
ed.

SEC. 4. Appeals and change of venue, shall be allowed and may be taken from police justices, in all cases, in the same manner as before other justices of the peace.

Appeals and
change of
venue.

SEC. 5. All actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances, by-laws, or police regulations made in pursuance of it, shall be brought in the corporate name. It shall be lawful to declare, generally, in *debt* for such penalty or forfeiture, stating the clause of this act or the by-laws or ordinances under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

City suits to
be brought
in corporate
name.

"Declara-
tion," debt.

SEC. 6. In all prosecutions for any violation of any ordinance, by-law, police, or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases.

First process
shall be a
summons,
unless oath
be made.

SEC. 7. Neither the mayor or common council shall remit any fine or penalty imposed upon any person for the violation of the laws or ordinances of said city, unless two-thirds of all the aldermen authorized to be elected, shall vote for such release or remission; but the mayor shall be

Penalties to
be remitted
only by two
thirds' vote
of council.

Mayor may
release from
the bride-
well.

authorized, in his discretion, to release from imprisonment, any person committed to the bridewell or house of correction, or county jail, for a violation of the ordinances of said city, by virtue of the judgment of said police court.

Salary of jus-
tices.

SEC. 8. The said justices shall be compensated by a salary, to be fixed by the common council, for doing the business of said police court, in lieu of all other compensation or fees whatever accruing from the business to be disposed of; and the said justices, so designated, shall not enter upon their duties, nor be appointed to hold such court, as justices of the peace aforesaid, unless they first sign and execute an express relinquishment in writing in favor of the city, of all other fees, emoluments, or compensation whatever, than what may be provided by a salary to be fixed as aforesaid by the common council; and such express relinquishment shall be filed in the comptroller's office; and all justices' fees and costs collected in all actions brought for said city, under the city charter, shall be paid into the city treasury as other revenue of the city.

Fees to be
relinquished
and paid into
city treas-
ury.

Election of
police-court
clerk.

SEC. 9. There shall be elected by the people at the next municipal election, and biennially thereafter, one "police-court clerk," who shall hold his office for two years, and until his successor is elected and qualified. He shall take an oath, the same as other officers elected under this act, and shall execute a bond with sufficient security to the city, to be approved by the common council. He shall receive a fixed salary for his services, the amount thereof to be determined by the common council. He shall have power to administer oaths, and appoint deputies, when in the opinion of the common council it may be necessary; in which case, said deputies shall be nominated by said clerk and approved by the common council, and the common council may prescribe the duties and fix the compensation of such deputies.

Salary.

Powers.

Court may
fill tempora-
ry vacancy.

SEC. 10. In case of the temporary inability or absence of the clerk, or in case of a vacancy in said office, and when there is no deputy, the police court may appoint some com-

petent person to discharge the duties of the office, until the vacancy is filled or ceases.

SEC. 11. The duties of the police-court clerk shall be to keep a full, detailed and complete account on his docket, of all cases and persons arrested and brought before the police court; how tried and disposed of; the number of cases disposed of; the cases in which moneys have been collected; and the cases in which money is to be collected; the amount of all forfeitures, penalties, and fines assessed, or the punishment fixed in each case, with the fees and costs accrued and accruing thereon; and to collect, prosecute and receive payment of all such fees, fines, penalties and forfeitures, and all judgments and executions, and all moneys whatever accruing or to be paid in, for the use of said city, from the enforcement of any of the laws thereof, and forthwith to pay over the same to the treasurer of said city.

Duties of clerk.

SEC. 12. Witness fees in all cases in the police court, in which the city is a party, shall be taxed and collected only when demanded or claimed by the witness at the time of trial; and no witness shall be allowed more than one fee for any one day's attendance, nor shall any witness fee be taxed, in any case, in favor of any member of the police force. All witness fees, when collected, shall be paid into the city treasury for the benefit of such witnesses. It shall be the duty of the clerk to deliver to each witness who is entitled to receive from the city any witness fee, a certificate thereof, showing the name of such witness, the suit in which he testified, and the amount to which he is entitled. The comptroller shall draw his warrant on the treasurer, on presentation of said certificate, in favor of the party entitled to such fee, provided the same be presented within one week after the filing of the daily report, referring to said certificate, hereinafter required from the clerk of said court.

Witness fees, when to be taxed.

To be paid into city treasury.

Comptroller to pay witness fees.

SEC. 13. It shall be the duty of the police-court clerk, to see that all cases are properly prosecuted before said police court, in the absence of the city attorney, and no police

Clerk to prosecute in absence of city attorney.

officer shall conduct any prosecution. He shall take care that said fines, penalties, forfeitures, fees, judgments and executions are collected in all cases as speedily as may be, and the police justices shall, so far as is possible, aid said clerk in the collection thereof.

Clerk to
make daily
reports to
comptroller.

SEC. 14. The said police-court clerk shall, at the close of every day, make a written report to the comptroller, containing the name and number of each case disposed of during the day, in which the city is a party, and its final disposition; the names of all witnesses in each case, to whom certificates for witness fees have been issued, with the amount of each fee; and also the amount of all such fines, fees, penalties and forfeitures, as he may have collected during said day. He shall also specify in his said report, the number of cases pending; the number of cases in which any fine, forfeiture or penalty has been inflicted, and the amount thereof; and also the amount of moneys outstanding to be collected in such cases; and the state of each case respectively; and upon making each and every such statement, he shall verify the same by oath taken before some competent officer, that such statement is a full, fair and complete statement of the moneys received and collected by him during said day, and of all matters required by law to be embraced in said report. He shall also pay over to the city treasurer, at the close of every day, all moneys received and collected by him as such clerk, and shall file his receipt therefor with the said comptroller.

To pay over
daily all
moneys col-
lected.

Clerk failing
to report and
pay over, to
be removed.

SEC. 15. In case of the failure of such clerk to make such report, and pay over said moneys daily, as herein required, a notice shall be served on him by the comptroller, that, within three days, he is required to make such returns, and pay over all moneys received, and, in case of the failure of said clerk to pay over said moneys and make such report to the satisfaction of said comptroller, he shall be suspended and removed from office, by the mayor, with the concurrence of the common council, and thereupon the

mayor, by and with the advice and consent of the common council, shall appoint his successor to fill the vacancy during the unexpired term.

SEC. 16. The common council, if it think proper, may, by ordinance, provide for the appointment of a prosecuting attorney for said police court, to manage all city cases before it, and, in such case, may provide for his compensation by a salary. In case of the appointment of such prosecuting attorney of the police court, he shall prosecute all cases before it, and also superintend the collection of fees, fines, forfeitures, judgments and executions, and keep a docket thereof, and file a monthly report of the number of all cases commenced, and all cases disposed of, with the names of parties sued, and the amount of fines, fees and forfeitures collected, with the number of cases where moneys are uncollected, and the amount thereof, and file such reports in the city comptroller's office.

Council may provide for appointment of prosecuting attorney.

His duties.

SEC. 17. The clerk of the police court and police prosecuting attorney, (if any,) shall perform such other duties as may be prescribed by ordinance of the common council.

Council may prescribe other duties.

SEC. 18. The sessions of the police court shall be held in but one place, where all examinations upon criminal charges before the justices thereof shall be had; and where also, all other business of every kind coming before the justices of said police court, shall be transacted; and the place of holding said court shall not be changed without a vote of the common council.

Place of holding police court.

CHAPTER XII.

FIRE DEPARTMENT.

SECTION.

1. Power to prescribe fire limits; to prohibit the erection of wooden buildings.
2. Power to regulate construction of chimneys; deposit of ashes; dangerous manufactories; fireworks; to require scuttles in the roofs of houses; general powers relating to fires.
3. Common council to procure fire engines; to organize fire companies; to appoint firemen and prescribe their duties.
4. Engineers and firemen to take charge

SECTION.

- of fire engines and apparatus; council may define their duties.
5. Assistant engineers to act as fire wardens; their duties.
6. Council may authorize appointment of fire marshal; his duties and powers.
7. Members of the common council and firemen exempt from jury and military duty.
8. Fund to be set apart for relief of disabled firemen; fire-telegraph fund.

Power to prescribe fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected or placed or repaired, without permission, and to direct that all and any buildings, within the limits prescribed, shall be made or constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings, within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

SEC. 2. The common council shall also have power:

To regulate chimneys, &c.

First. To prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building or manufactory, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous.

Deposit of ashes.

Second. To prevent the deposit of ashes in unsafe places, and to cause all such buildings and inclosures as may be in a dangerous state, to be put in safe condition.

Third. To regulate and prevent the carrying on of manufactories dangerous in causing or promoting fire. Dangerous manufactories.

Fourth. To regulate and prevent the use of fire-works and fire-arms. Fire-works

Fifth. To compel the owners or occupants of houses or other buildings, to have scuttles in the roofs, and stairs or ladders leading to the same. Scuttles and ladders.

Sixth. To authorize the mayor, aldermen, police, or other officers of said city, to keep away from the vicinity of any fire, all idle and suspicious persons, and to compel all officers of said city, and other persons, to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat. To remove suspicious persons from the vicinity of any fire.

Seventh. And generally, to establish such regulations for the prevention and extinguishment of fires, as the common council may deem expedient. To establish regulations for prevention of fires.

SEC. 3. The common council shall procure fire engines and other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure engine houses and other places, for keeping and preserving the same; and shall have power : Fire engines and apparatus.

First. To organize fire, hose, hook and ladder, and axe companies. Fire companies.

Second. To provide for the appointment of a competent number of able and reputable inhabitants of said city, firemen, to take the care and management of the engines and other apparatus and implements, used and provided for the extinguishment of fires. Appointment of firemen.

Third. To prescribe the duties of firemen and their compensation, and to make rules and regulations for their government, and to impose reasonable fines and forfeitures upon them for a violation of the same; and for incapacity, neglect of duty or misconduct, to remove them. Duties and compensation of firemen.

SEC. 4. The chief and assistant engineers of the fire department, with the other firemen, shall take the care and management of the engines and other apparatus and im- Duties of chief engineer and assistants.

plements used and provided for the extinguishment of fires ; and their duties and powers shall be defined by the common council.

Assistants to
act as fire
wardens.

SEC. 5. The assistant engineers of the fire department shall also act as fire wardens, and it shall be their duty to examine all buildings and inclosures, to discover whether the same are in a dangerous state, and to report to the chief engineer, all violations of the charter or ordinances of said city in relation to the prevention or extinguishment of fires.

Firemarshal.

SEC. 6. The common council shall have power, in its discretion, to authorize the appointment of a fire marshal, whose duty it shall be to inquire into and investigate the cause of all fires which may occur in the city, as soon as may be after they occur, and to keep a record of his proceedings, and of the evidence in each case, and to file the same or a copy thereof in the office of the city clerk. He shall have power to compel the attendance of any person in said city to testify upon oath concerning any fire in said city, under such penalty as the common council may provide, and he is hereby authorized to administer oaths to all such witnesses. He shall be required to use his utmost exertions in the discovery, arrest and conviction of all incendiaries, and perform such other duties as the common council may prescribe. Any or all of the above mentioned duties may be devolved by the common council upon the chief engineer.

Aldermen
and firemen
exempted
from jury
and military
duty.

SEC. 7. The members of the common council and firemen, shall, during their term of service as such, be exempt from serving on juries in all courts of this state, and in the militia. The name of each fireman shall be registered with the clerk of the city, and the evidence to entitle him to the exemption provided in this section, shall be the certificate of the clerk, made within the year in which the exemption is claimed.

Fund for dis-
abled fire-
men.

SEC. 8. One-eighth part of the amount of all fire-insurance rates, which shall be annually paid into the city treasury, as hereinbefore provided, shall be reserved and

set apart, to create a fund for the relief of distressed firemen, who may become disabled in the service of the city ; and shall be used solely for that purpose. Said money shall be disbursed in such sums, and under such rules and regulations, as the common council shall prescribe. The remain-
ing seven-eighths of the aforesaid revenue, shall be retained Fire-tele-
graph fund. by the city and allowed to accumulate, until a sufficient sum shall have been realized to defray the expense of establishing a fire-alarm or fire-telegraph system in said city, and shall be then used for that purpose. After this purpose shall have been accomplished, this portion of the aforesaid revenue shall be applied to the purchase of fire engines and other apparatus used for the extinguishment of fires.

CHAPTER XIII.

SCHOOLS AND SCHOOL FUND.

SECTION.

1. School fund of town. 39, range 14, vested in the city; power of council to manage; to lease and convey school property.
2. Principal of the fund not to be impaired; interest on, to be used only in paying teachers.
3. Powers of common council in reference to the management of schools.
4. School agent to have management of school fund.
5. Agent to give bond; compensation of, to be paid out of school fund; liabilities for misconduct.
6. School fund to be kept loaned; securities required; rate of interest.
7. Securities to be taken in the name of the city.
8. Borrower to pay expenses attending loan.
9. Debts due school fund from deceased persons to be paid first.
10. Interest at 15 per cent. to be charged from default in payment; suits may be brought to recover interest.
11. Judgments to bear 12 per cent. interest; real estate sold on, may be bought in by the city; redemption.
12. No judicial costs to be charged to school fund.
13. If any debt becomes insecure, further security may be required; if not given, suit may be brought.
14. School tax to be deposited with the city treasurer; to be kept a separate fund; mode of disbursement.

SECTION.

15. South Chicago school district abolished.
16. One or more schools to be established in each district; schools for negro and mulatto children.
17. Board of education to superintend and control the schools; general powers and duties of the board.
18. Board to establish by-laws and regulations for the government of schools; to employ teachers.
19. Board to have charge of school houses and furniture; to provide fuel; bills for furniture and repairs to be paid out of the school-tax fund.
20. Teachers to make monthly reports; payment of teachers.
21. School agent to report quarterly to the common council the amount of interest on hand.
22. Board of education to appoint a president; to keep a record of proceedings.
23. Powers of the board to be exercised only at formal meetings; their proceedings to be published.
24. Duty of the board to recommend measures to the common council.
25. Board to prepare and publish an annual report.
26. Superintendent of schools to be appointed biennially.
27. Duties of the superintendent.
28. Members and officers of the board not to be interested in the sale of school books.

School fund of township 39, range 14, management of.

Council may sell or lease school lands.

SECTION 1. The school lands and school fund of township thirty-nine north, range fourteen east of the third principal meridian, shall be, and the same are hereby vested in the city of Chicago. The common council shall, at all times, have power to do all acts and things in relation to said school lands and school fund, which they may think proper to their safe preservation and efficient management; and sell or lease said lands, and all canal or other lots or lands, or other property, which may have been, or may hereafter be donated to the school fund, on such terms, and at such

times, as the common council shall deem most advantageous; and, on such sale or sales, lease or leasings, to make, execute and deliver all proper conveyances, which said conveyances shall be signed by the mayor and comptroller, and countersigned by the clerk, and sealed with the corporate seal:

Provided, that the proceeds arising from such sales shall be added to, and constitute a part of the school fund. Proceeds to be added to school fund.

SEC. 2. Nothing shall be done to impair the principal of said fund, or to appropriate the interest accruing from the same, to any other purpose than the payment of teachers in the public schools in said township. Principal not to be impaired.

SEC. 3. The common council shall have power: Powers of council.

First. To erect, hire or purchase buildings suitable for school houses, and keep the same in repair. Buildings.

Second. To buy or lease sites for school houses, with the necessary grounds. Sites.

Third. To furnish schools with the necessary fixtures, furniture and apparatus. Fixtures, &c.

Fourth. To establish, support and maintain schools, and supply the inadequacy of the school fund for the payment of the city teachers, from school taxes. Maintenance.

Fifth. To lay off and divide the city into school districts, and, from time to time, alter the same, or create new ones, as circumstances may require. School districts.

Sixth. And generally, have and possess all the rights, powers and authority necessary for the proper management of schools and the school lands and funds belonging to the township, with power to enact such ordinances as may be necessary to carry their powers and duties into effect. General powers.

SEC. 4. The school agent shall have the custody and management of the money, securities, and property belonging to the school fund, subject to the direction of the common council. School agent, his powers.

SEC. 5. The school agent, before entering upon his duties, shall give bond in such amount, and with such conditions and sureties, as the common council may require. His com- School agent to give bond.

Compensation.

Penalty for misconduct.

pensation shall be paid out of the school fund; and he shall be subject for misconduct in office, to the same penalties and imprisonment, as school commissioners are or may be subject to, by law.

School fund to be kept loaned.

SEC. 6. The school fund shall be kept loaned at interest, at the rate of twelve per cent. per annum, payable semi-annually, in advance. No loan shall be made, hereafter, for a longer period than ten years, and all loans shall be secured by unincumbered real estate of double the value of the sum loaned, exclusive of the value of perishable improvements thereon: *Provided*, the common council shall have power to reduce the rate of interest, by a vote of two-thirds of all the aldermen elected; and they may also, by a like vote, authorize the investment of said funds in the bonds of the city of Chicago.

Security.

Securities to be taken in name of the city.

SEC. 7. All notes and securities shall be taken, to the city of Chicago, for the use of the inhabitants of said township, for school purposes; and in that name, all suits, actions, and every description of legal proceedings, may be had.

Borrower to pay expenses.

SEC. 8. All expenses of preparing or recording securities, shall be paid exclusively by the borrower.

School fund to have first claim on deceased persons' estate.

SEC. 9. In the payment of debts of deceased persons, those due the school fund, shall be paid in preference to all others, except expenses attending the last illness and funeral of the deceased, not including the physician's bill.

Default in paying interest.

SEC. 10. If default be made in the payment of interest, or of the principal, when due, interest at the rate of fifteen per cent. upon the same, shall be charged from the default, and may be recovered by suit or otherwise. Suits may be brought for the recovery of interest only, when the principal is not due.

Suits to be brought.

Interest on judgments.

SEC. 11. All judgments recovered for interest or principal, or both, shall respectively bear interest at twelve per cent. per annum, from the rendition of judgment, until paid; and in case of the sale of real estate thereon, the city of Chicago may become the purchaser thereof, for the use of

the school fund, and shall be entitled to the same rights given by law to other purchasers. On redemption, twelve per cent. interest shall be paid from the time of sale.

SEC. 12. No costs made in the course of any judicial proceedings, in which the city of Chicago for the use of the school fund, may be a party, shall be chargeable to the school fund.

Judicial costs not chargeable to school fund.

SEC. 13. If the security on any loan should at any time before the same is due, become, in the united judgment of the school agent and common council, insecure, the agent shall notify the person indebted, thereof; and unless further satisfactory security shall be forthwith given by the debtor, judgment may be recovered thereon, as in other cases, although no condition to that effect be inserted in the note or other security.

Insecure debts, proceedings, &c.

SEC. 14. The school-tax fund shall be paid into the city treasury and be kept a separate fund, for the building of school houses and keeping the same in repair, and supporting and maintaining schools; and shall be drawn out only in payment of bills approved by the board of education, on the warrant of the comptroller countersigned by the president of the board of education and the mayor.

School-tax fund.

SEC. 15. The act approved February 23d, 1847, creating the South Chicago School district, and all other acts or parts of acts inconsistent with the provisions of this chapter, are hereby repealed.

South Chicago school district, abolished.

SEC. 16. There shall be established in said city at least one common school in each school district, now or hereafter to be created; and free instruction, within their respective districts, shall be given in said schools, to all the children residing within the limits of the city, who are over the age of five years, and who may be sent to or attend such school, subject to such rules and regulations as may be established by the common council or board of education, pursuant to the provisions of this act. It shall be the duty of the common council to provide one or more schools for the in-

One free school to be established in every district.

Schools for negro and mulatto pupils.

struction of negro and mulatto children, to be kept in a separate building to be provided for that purpose, at which colored pupils between the ages of five and twenty-one years, residing in any school district in said city, shall be allowed to attend; and hereafter, it shall not be lawful for such pupils to attend any public school in the city of Chicago at which white children are taught, after a school for the instruction of negro and mulatto children has been provided.

Board of education, its powers and duties.

SEC. 17. The board of education, subject to such general regulations as may be prescribed by the common council, shall have the entire superintendence and control of the schools; and it shall be their duty to examine all persons offering themselves as candidates for teachers, and when found well qualified, to give them certificates thereof gratuitously; to visit all the public schools as often as once a month; to inquire into the progress of the scholars and the government of the schools; to prescribe the courses and methods of discipline and instruction of the respective schools, and to see that they are maintained and pursued in a proper manner; to prescribe what studies shall be taught, and what books and apparatus shall be used. They shall have power to expel any pupil who may be guilty of gross disobedience or misconduct, and to dismiss and remove any teacher, whenever in their opinion he is unqualified to teach, or whenever, from any cause, the interests of the school may, in their opinion, require such removal or dismissal. They shall have power to apportion the scholars to the several schools, but no scholar shall attend any school out of the district in which he or she resides, without the written permission of the board or the superintendent of public schools, except as herein otherwise provided.

To prescribe methods of discipline, &c.

Expulsion of pupils.

Removal of teachers.

To apportion scholars.

To establish by-laws, &c.

SEC. 18. It shall be the duty of the board of education, to establish all such by-laws, rules and regulations for their own government, and for the establishment and maintenance of a proper and uniform system of discipline in the several

schools, as may in their opinion be necessary. They shall determine, from time to time, how many and what class of teachers may be employed in each of the public schools, and employ such teachers, and fix their compensation.

SEC. 19. It shall be the duty of said board, to take charge of the school houses, furniture, grounds and other property belonging to the school districts, and see that the same are kept in good condition, and not suffered to be unnecessarily injured or deteriorated; and also to provide fuel and such other conveniencies for the schools, as in their opinion may be required. They shall also recommend to the common council, such alterations, additions and improvements, as may be required in the school houses or other property belonging to said districts. All bills for repairs, furniture, benches, desks, apparatus, fuel, *et cetera*, shall be audited by said board, and paid out of the school-tax fund.

To oversee
school prop-
erty.

To provide
fuel.

To recom-
mend altera-
tions, &c.

SEC. 20. The teachers in each district shall, at the end of each and every month, report to the superintendent of public schools, the number of days they have been employed in teaching school during the month, and the number of scholars in attendance on each day or half day; and at the close of each month, the board of education shall draw an order upon the agent of the school fund, in favor of said teacher, for the amount due to him or her. But no order shall be drawn upon the school fund for a greater amount than the interest on hand at the time the same may be drawn, or than the amount raised and specially appropriated for the support of schools by the common council.

Teachers to
report every
month.

Payment of.

SEC. 21. It shall be the duty of the agent of the school fund to report at the end of each quarter, to the common council, the amount of interest on hand, and to give the board of education such information, as they may from time to time request in reference thereto.

School agent
to report
quarterly.

SEC. 22. The said board shall appoint from their own number, a president, and provide themselves with a well bound book at the expense of the school-tax fund, in

President of
board.

Record of
proceedings.

which shall be kept a faithful record of all their proceedings.

Powers,
when exer-
cised.

Proceedings
to be publish-
ed.

SEC. 23. None of the powers herein conferred upon the board of education, shall be exercised by them, except at a regular or special meeting of the board. They shall have all their proceedings published immediately after their meetings, in some one or more of the newspapers published in the city, which will publish the same gratis, and also in the corporation newspaper, with such fullness, as to inform the public in every respect, of the business transacted by them; also, resolutions in regard to the adoption of new books to be used in the public schools, with the names of members who may introduce any proposition of interest to the public in regard to the schools, and the yeas and nays upon the same, if the question shall be thus taken.

Board to rec-
ommend im-
provements
to common
council.

SEC. 24. It shall be the duty of the board to report to the common council, from time to time, any suggestion that they may deem expedient or requisite in relation to the schools and the school fund, or the management thereof, and generally, to recommend the establishing such schools and districts, and the making such alterations or improvements therein, as they may deem beneficial and expedient.

Annual re-
port to be
published by
the board.

SEC. 25. The board of education shall annually prepare and publish, in the corporation newspaper, a report of the number of pupils instructed in the year preceding, the several branches of education pursued by them, and the receipts and expenditures of each school, specifying the sources of such receipts, and the objects of such expenditures. They shall also communicate to the common council, from time to time, all such information within their possession as may be required.

Superintend-
ent of public
schools.

SEC. 26. For the more convenient discharge of the duties assigned by law to the board of education, and to aid them in the performance of the same, the office of superintendent of public schools is hereby created. Said superintendent shall be appointed biennially by the board of education, by

How ap-
pointed.

and with the advice and consent of the common council, and shall receive such annual salary as shall, from time to time, be fixed by the board of education, subject to the approval of the common council. The superintendent so appointed, may be removed at any time by a vote of the board.

SEC. 27. The said superintendent shall act under the advice and direction of the board, and shall have the superintendence of all the public schools, school houses, books and apparatus. He shall devote himself exclusively to the duties of his office. He shall keep regular office hours, other than school hours, at a place to be provided for that purpose, which place shall be the general depository of the books and papers belonging to the board, and at which the board shall hold their meetings. He shall acquaint himself with whatever principles and facts may concern the interests of popular education, and with all matters pertaining in any way to the organization, discipline and instruction of public schools, to the end that all the children in said city, who are instructed at the public schools, may obtain, within their respective districts, the best education which these schools are able to impart. He shall visit all the schools as often as his duties will permit, and shall pay particular attention to the classification of the pupils in the several schools, and to the apportionment among the classes, of the prescribed studies. He shall carefully observe the teaching and discipline of all the teachers employed in the public schools, and shall report to the board, whenever he shall find any teacher deficient or incompetent in the discharge of his or her duties. He shall attend all the meetings of the board, and shall act as secretary thereof. He shall keep the board constantly informed of the condition of the public schools, and the changes required in the same. He shall keep a record of all his proceedings, at all times open to the inspectors. A general report of the condition of the public schools, shall be prepared by him at the close of each school year, for publication. He shall moreover report to

Salary.

Removal.

To superintend schools.

Other duties.

To visit schools.

To report to the board.

To attend meetings of the board.

Shall make general report each year.

the board from time to time, such by-laws and regulations for the government, discipline and management of the public schools, as he may deem expedient ; and shall also perform such other duties as the board of education shall from time to time direct.

Members
and officers
of the board
not to be in-
terested in
sale of school
books.

SEC. 28. It shall be unlawful for the superintendent, or any member of the board, to receive, either directly or indirectly, any fee, gift or reward from any book-publishing concern, book agent or book seller, or to act as agent or attorney for any book-publishing concern, book agent or book seller, or to be pecuniarily interested in the sale or publication of any book used in the public schools ; and any violation of these provisions, shall subject the offender to immediate removal from office by the common council.

CHAPTER XIV.

REFORM SCHOOL.

SECTION.

1. Reform school continued in existence; the common council may change its location; power to purchase grounds and erect buildings therefor.
2. Government of the school vested in the board of guardians; officers of the board; quorum.
3. General duties of the board; appointment of superintendent and other officers.
4. School to be visited by one or more guardians at least once every fortnight; annual report to be made to common council.
5. Duties of superintendent.
6. Superintendent to have charge of the lands and buildings; to give bond; to keep accounts of receipts and expenditures; to keep a register of all inmates.
7. Appointment of commissioner; his duties and compensation.

SECTION.

8. Commitments to reform school by police magistrates and justices of the peace, when and how made; powers of commissioner.
9. Commitments by courts of record.
10. Boys committed, to be detained until the age of 21, unless sooner discharged or bound out by the board; guardians clothed with sole authority to discharge; when found incorrigible, boys may be returned to committing court or magistrate.
11. Guardians authorized to bind out boys as apprentices or servants; tickets of leave.
12. Guardians empowered, with concurrence of common council, to establish a reform school for girls.
13. Annual estimate to be furnished by the board of amount required for maintaining the school; moneys raised, how disbursed.

SECTION 1. The reform school, heretofore established by the city of Chicago, shall be continued in existence, as a school or place for the safe keeping, education, employment and reformation of all children in said city between the ages of six and sixteen years, who are destitute of proper parental care, and growing up in mediocrity, ignorance, idleness or vice. The common council may hereafter, in its discretion, change the location of said reform school, and purchase grounds and erect and maintain all necessary buildings therefor.

Reform school continued in existence.

The council may change its location, &c.

SEC. 2. The government of said school shall be vested in a board, consisting of the comptroller, and six guardians to be appointed in the manner hereinbefore prescribed. The said board shall appoint a president, vice-president and secretary, from their own number; and a majority of the board shall constitute a quorum for the transaction of business.

Government of the school.

Officers of board of guardians.

General duties of the board.

SEC. 3. It shall be the duty of the said board of guardians, to take charge of the general interests of said school; to see that its affairs are conducted in accordance with the requirements of this act; to see that strict discipline is maintained therein; to provide employment for its inmates; to appoint a superintendent and such other officers as the wants of the school may from time to time require, and to prescribe their duties; to exercise a vigilant supervision over said school, its officers and teachers, and to determine their salaries; such salaries to be subjected to the approval, regulation or alteration of the common council.

Superintendent.

Visits to the school.

SEC. 4. One or more of said guardians shall visit the school at least once in every two weeks, at which time, the school in all its departments, shall be examined. A record shall be regularly kept of such visits in the books of the superintendent. An annual report shall be made by the board of guardians to the common council, on or before the tenth day of April, exhibiting the condition of the school, and giving a detailed account of its affairs for the preceding year.

Annual report.

Superintendent's duties.

SEC. 5. The superintendent, with such subordinate officers as the guardians shall appoint, shall have the charge and custody of the children; he shall himself be a constant resident at the institution, and shall discipline, govern, instruct, employ, and use his best endeavors to reform the inmates, in such manner as, while preserving their health, will secure the formation, as far as possible, of moral and industrious habits, and regular and thorough progress and improvement in their studies, trades, and various employments.

Superintendent to have charge of lands, buildings, &c.

SEC. 6. The superintendent shall, under the direction and control of the board, have charge of the lands, buildings, furniture, tools, implements, stock and provisions, and every other species of property pertaining to the institution, within the precincts thereof. He shall, before he enters upon the duties of his office, give a bond to the city of

His bond.

Chicago, with sureties to be approved by the common council, in the sum of one thousand dollars, conditioned that he shall faithfully perform all the duties incumbent on him as such superintendent. He shall keep in suitable books, regular and complete accounts of all his receipts and expenditures, and a complete enumeration of all property intrusted to him. He shall also exhibit in said books, the income, from whatever source, of said institution and school land; he shall account to the treasurer of the city, in such manner as the guardians may require, for all moneys received by him from the proceeds of the land, the work and labor of the inmates, or otherwise. His books, and all documents relating to the school, shall at all times be open to the inspection of the guardians, who shall, at least once in every three months, carefully examine the said books and accounts, and the vouchers and documents connected therewith, and make a record of the result of such examination, in books to be kept by said guardians. He shall keep a register, containing the name and age of each child, and the circumstances connected with his early history; and he shall add such facts as may come to his knowledge, relating to the subsequent history of such children, while in the school, and after being discharged therefrom. He shall at all times be subject to removal by the board of guardians, and shall be governed by the rules and regulations they may establish.

To keep accounts.

Register.

SEC. 7. It shall be the duty of the mayor of the city of Chicago, each year, on the application of the board of guardians of said reform school, to appoint some proper and discreet person, with the concurrence of said board, as commissioner, before whom, all males within the ages prescribed by law, shall be sent, before any police magistrate or justice of the peace shall sentence, or order such male to be committed to the reform school. Such commissioner shall keep a true and perfect record of his doings in relation to all persons brought before him, and shall retain the same during his term of office, and at the expiration thereof, shall

Appointment of commissioner.

His duties.

Compensation.

deliver the same, with all preceding records, to the city clerk, who shall, upon the appointment of a new commissioner, deliver the same to him. There shall be paid to said commissioner, such sum from the reform school funds, as the board of guardians shall, from time to time, direct, and which shall not in the aggregate, amount to more than one thousand dollars in any one year.

Commitments by police magistrates and justices of the peace.

Examination by commissioner.

SEC. 8. Whenever any police magistrate or justice of the peace within the city of Chicago, shall have brought before him, any male within the ages of six and sixteen years of age, who, he has reason to believe, is a vagrant, or destitute of proper parental care, or is growing up in mendicancy, ignorance, idleness or vice, he shall cause such person, together with the warrant on which he was arrested, and the list of witnesses which may be necessary to establish the situation and condition of such person, to be transmitted to said commissioner; and thereupon, it shall be the duty of such commissioner to issue a summons or order in writing, addressed to the father of said person, if he be living and resident within the city, and if not, then to his mother, if she be living and so resident, and if not, then to his lawful guardian, if any there be resident within said city, and if on examination, it shall appear that such boy has neither father, mother nor guardian, so resident, then to the person with whom, according to the examination and testimony, if any, received by such commissioner, the said boy shall reside; and if there be no person with whom he steadily resides, the commissioner may, at his discretion, appoint some suitable person to act in his behalf, requiring him or her, as the case may be, to appear before him, at such time and place as he shall in said summons or order appoint, and to show cause, if any there be, why the said boy shall not be committed to the reform school. And upon the appearance before him of the party named in said summons or order, or if, after due service had of the summons or order aforesaid, there shall be no such appearance, the said commissioner

shall, upon the expiration of the time named in said summons or order for said appearance, proceed to examine said boy, and the party appearing in answer to said summons or order, if any such there be, and to take such testimony in relation to the case as may be produced before him; and in case it shall be proven to the satisfaction of the commissioner, by such examination, or by competent testimony, that said boy is a suitable subject for the reform school, and that his moral welfare and the good of society require that he should be sent to said school, for instruction, employment and reformation, he shall so decide, and shall thereupon, certify his said opinion and decision to said magistrate or justice of the peace, as near as may be, in the following words:

Commissioner's report.

To A. B.—, Esq., a Justice of the Peace:

I hereby certify that ——— has been examined by me agreeably to the statute, and upon competent evidence, proved to be a suitable person for commitment to the Reform School.

C. D., Commissioner.

And thereupon, said magistrate or justice of the peace shall commit such person to the reform school; and such commitment shall be by warrant in substance as follows:

Warrant of commitment.

To any Sheriff, Constable, or Police officer within the City of Chicago:

You are hereby commanded to take charge of ———, a boy above the age of six and under the age of sixteen years, who has been found by competent evidence to be a suitable subject for commitment to the reform school, and a proper object for its care, discipline and instruction, and to deliver said boy, with this warrant, without delay, to the superintendent or other officer in charge of said school, at the place where the same is established; and for so doing, this shall be your sufficient warrant.

———, J. P.

Dated at the city of Chicago, in the county of Cook, this — day of —, A. D. 18—.

But no variance from the preceding form shall be deemed material, provided it sufficiently appear upon the face of the warrant that the said boy is committed in exercise of the powers given by this act. And in case said commissioner shall be of opinion, and shall decide and certify, that such boy is not a proper subject for commitment to the reform school, he shall order such boy, with the warrant, to

Powers of
commission-
er.

be transmitted back to such police magistrate or justice of the peace, who shall thereupon deal with him in the same manner he would have done, had he not been transmitted to, or examined by said commissioner. And said commissioner shall, in the performance of his duties under and by virtue of this act, be clothed with the powers of a justice of the peace, to compel the attendance of witnesses, and all other persons, whose attendance and presence may be necessary to enable him to fully investigate the situation of all persons who may be brought before him; and the police officers of said city, shall be subject to his direction, and shall serve, when called upon for that purpose, any summons, order or warrant, issued by him.

Commit-
ments by
courts of
record.

SEC. 9. Whenever any male under the age of sixteen years and over the age of six years, shall be convicted in any court having criminal jurisdiction in the county of Cook, of any offense punishable by fine or imprisonment, who, in the opinion of the court, would be a fit and proper subject for commitment to said reform school, such court shall make an order, committing such boy to said reform school; and thereupon, it shall be the duty of said court, by warrant in due form of law, to commit such boy to said reform school; and all warrants shall designate the offence or complaint for which such commitment is made, and the age of the boy; but no warrant shall be held invalid for want of form, and the same may be served by the sheriff or any constable of Cook county, who shall execute the same, and deliver the boy or boys named in such warrant, to the superintendent of the reform school, with the warrant, and for such services, shall be paid the same fees as are now provided in case of the commitment of a criminal to the county jail, for an offense punishable by imprisonment therein: *Provided*, however, that such boys only shall be committed to said reform school, as in the opinion of the court, are in need of, and will be benefited by the reformatory influence of said school, the said school being intended

as an educational and reformatory institution, rather than as a prison or place of punishment.

SEC. 10. Every boy above the age of six and under the age of sixteen, who shall be legally committed to said school, as herein before provided, shall be kept disciplined, instructed, employed and governed, under the direction of the board of guardians of said school, until he be either reformed and discharged, or be bound out by said guardians, or until he shall have arrived at the age of twenty-one years; and said guardians are hereby clothed with the sole authority to discharge any boy or boys from said reform school, who have heretofore been, or may hereafter be legally committed thereto; and such power shall rest solely with said board of guardians and with no other persons or body politic or corporate; but it shall be the duty of said board of guardians, and they shall have power, to return any boy to the court, police justices or other authorities, ordering or directing said boy to be committed, when in the judgment of said guardians, they may decree said boy an improper subject for their care and management, or who shall be found incorrigible, or whose continuance in the school, they may deem prejudicial to the management and discipline thereof, or who, in their judgment, ought to be removed from such school for any cause; and in such case, said court, police justice or other authorities, shall have power, and are required, to proceed as they might have done, had they not ordered the commitment to such school.

Boys to be detained until the age of 21.

Guardians only shall have power to discharge.

Boys found incorrigible, may be returned to committing court or magistrate.

SEC. 11. Said guardians shall have power to bind out all boys committed to their charge, for any term of time, until they shall have arrived at the age of twenty-one years, as apprentices or servants, to any inhabitant of this state; and the said guardians and master or mistress, apprentice or servant, shall respectively have all the rights and privileges, and be subject to all the duties set forth by the statute laws of this state, relative to apprentices and guardians and wards; and shall have the same power as overseers of the

Boys may be bound out as apprentices.

poor, or mayor and aldermen, and the same clauses and provisions required to be inserted in the indentures of apprentices, in such cases, shall be inserted in all indentures that may be executed by the said guardians. No person receiving such apprentice under the provisions of this act, shall transfer the indenture; and the said board of guardians shall have power in all cases, when, in their judgment, it shall be beneficial to the boy, to cancel such indentures of apprenticeship, for cruelty, negligence or other improper conduct, or for removal from the state, and recover possession of the child apprenticed. Said guardians shall also have power to permit such boys as they shall judge fit subjects for such treatment, to be placed out under the care of any proper person or persons in this state, on "tickets of leave," and such boys so placed out, may be kept and retained by such person or persons, during the pleasure of said board of guardians, and subject at all times, to their control and regulation.

Tickets of
leave.

Reform
school for
girls.

SEC. 12. The board of guardians of said reform school are hereby authorized, with the concurrence of the common council, to establish a branch reform school for girls under the age of sixteen years and over the age of six years; and for that purpose, to purchase such lands and erect such buildings thereon, as in their judgment, are required; and such girls may, for the same causes, and by the same courts, and in the same manner, be committed to such branch reform school, as boys may be, to the reform school, and all statutes and ordinances relative to the power, management and control of said reform school by the board of guardians, are hereby made applicable to said branch reform school, and the same powers are delegated to and vested in them in relation to the same; and all ordinances and statutes regulating the powers of police magistrates, justices of the peace and other courts, and of the commissioner, shall, in all respects, be made applicable to girls under the age of sixteen, and over the age of six years, where they are found desti-

tute of proper parental care, or leading a vicious life, or are found in streets, highways or public places, in circumstances of want, suffering, neglect or exposure.

SEC. 13. It shall be the duty of the board of guardians, to prepare and submit to the comptroller, on or before the first day of May in every year, an estimate of the whole amount required to be raised by taxation, for providing for and maintaining the said reform school during the current fiscal year, which estimate shall be in detail, and shall be laid by said comptroller before the common council, with his annual estimate. The common council may revise said estimate; and the aggregate amount of the sums required after such revision, not exceeding the authorized per centage, shall be provided for in the general tax levy to be laid on said city. Said money, when collected, shall be paid into the city treasury, and shall be styled the reform-school fund, and shall be drawn out only in payment of bills approved by the board of guardians, on the warrant of the comptroller, countersigned by the president, or in his absence, by the vice-president of said board, and the mayor. But this section shall not be construed as repealing any of the provisions of the act to incorporate the Roman Catholic Asylum of the diocese of the Catholic Bishop of Chicago.

Annual estimate of expenses.

Moneys raised, how disbursed.

CHAPTER XV.

CHICAGO WATER WORKS.

SECTION.

1. Board of public works to have charge of the water works.
2. Board to consider all matters relating to the sufficient supply of pure water.
3. Power to construct reservoirs and lay pipes.
4. Board required to construct hydrants for extinguishing fires.
5. Power to purchase and convey real estate.
6. Power to construct necessary buildings and machinery.
7. Power to purchase books and charts and to make surveys.
8. Power to enter upon lands to make surveys and construct works; to agree with owners upon the compensation to be paid for land taken.
9. Mode of ascertaining damages in case of disagreement.
10. City authorized to construct aqueducts, pumping works and breakwaters.
11. Power to extend inlet pipes into the lake; to erect piers.
12. Board empowered to complete the issue of certain bonds heretofore authorized.
13. City authorized to borrow \$500,000, for purposes pertaining to the supply of water; bonds to be issued; how issued and by whom sold; water funds to be used exclusively for the water works.
14. Board desiring to issue bonds, shall make a report and estimate to the common council of the purposes for which the bonds are to be used; council to approve.
15. Interest on bonds restricted to 7 per cent.; bonds not to be sold at less than par without consent of council.
16. Board to keep a register of all bonds issued.
17. Comptroller to keep a record of all bonds outstanding.
18. Interest on bonds to be paid by comptroller; also the principal when due; purchase of water-loan bonds by the city; new bonds may be issued to pay those falling due.

SECTION.

19. Board to assess water rents on lots and buildings; assessment a lien.
20. Power to attach meters.
21. Record to be kept of all assessments.
22. Time of payment to be advertised; if not paid within 30 days, 10 per cent. may be added to assessments.
23. Collection of assessments; warrants to be issued; levy.
24. Commencing with 1864, assessment warrants shall be annually issued to city collector against lots assessed; proceedings thereon.
25. If assessments are omitted or not collected, they may be included in the next year's warrant.
26. Method provided for collecting all water rents unpaid May 1st, 1863.
27. Board to make rules and regulations concerning the use of water; common council to provide penalties for their violation; where rules are violated, the water supply may be stopped.
28. Connections may be made between water pipes and sewers; board may use water for cleansing the sewers.
29. Surplus revenue from water works, how it may be used; annual report to show amount of bonds and debts outstanding, amounts due, and all expenditures on account of the works.
30. Board to report to comptroller on the 1st of May, the amount required during the year, over and above the ordinary revenue, to pay interest and principal on water-loan bonds; common council to raise the same by a special tax.
31. Temporary loans authorized in certain cases.
32. Accounts pertaining to water works to be kept separate; moneys deposited with treasurer for said works to be kept as a special fund and used for no other purpose.
33. Penalty for willful injury to water works' property or polluting the water.
34. Repealing clause.

Board of
public works
to have
charge of
water works.

SECTION 1. The board of public works of the city of Chicago, shall have charge and superintendence of the water works of said city.

SEC. 2. It shall be the duty of said board, to examine

and consider all matters relative to supplying the city of Chicago, with a sufficient quantity of pure and wholesome water, to be taken from Lake Michigan, for the use of its inhabitants.

Board to consider all matters relating to supply of water.

SEC. 3. Said board shall have power to construct reservoirs, jets, and public and private hydrants, and to lay pipes in and through all the streets and alleys of said city, and also across all rivers and streams in the said city, and in the county of Cook, not interfering with the navigation of the same, and, with the consent of the common council of said city, to construct fountains in the public squares or such other public grounds of said city, as they shall deem expedient.

Power to construct reservoirs, to lay pipes, &c.

SEC. 4. It shall be the duty of said board, to construct hydrants of sufficient size and capacity, and in such localities as they shall deem desirable, for the purpose of extinguishing fires.

Hydrants for extinguishing fires.

SEC. 5. The said board shall have power to purchase, hold and convey any personal and real estate, which may be necessary and proper to carry out the intention and object of this chapter, but the title to all real estate purchased, shall be taken in the name of the city of Chicago; and no such purchase shall be made, without the approval of the common council being first had thereto.

Power to purchase and convey real estate.

SEC. 6. Said board shall have the power, and it is hereby made their duty, to purchase such lot or lots of land, subject to the approval of the common council, and to construct such buildings, machinery and fixtures, as shall be deemed necessary or desirable, to furnish a full supply of water for public and private use in said city.

To construct buildings and machinery.

SEC. 7. Said board shall have power to purchase such books, charts and other works, as may be found necessary or useful, and to cause such surveys to be made within said city and outside of its limits, as may be required for the objects of this chapter.

To purchase books and charts.

To make surveys.

SEC. 8. The said board are hereby authorized to enter

To enter upon lands to make surveys and construct works.

To agree with owners for land damages.

Mode of ascertaining damages in case of disagreement.

Power to construct aqueducts, &c.

upon any land or water, for the purpose of making surveys, or constructing any of the works authorized by this chapter, and to agree with the owners of any property which may be required for the purposes of this act, as to the amount of compensation to be paid to such owner, for the property so taken, or the amount of damages to be paid to such owner or owners, by reason of the construction of any of the works hereby authorized; but no such agreement shall be binding upon said city, until first approved by the common council thereof.

SEC. 9. In case of disagreement between the board and the owners of property, which may, in the judgment of said board, be required for any of the purposes specified in this chapter, as to the amount of compensation to be paid to such owners, or in case such owner shall be an infant, a married woman, or insane, or absent from this state, or in case of disagreement between the said board and any owner or owners of property, touching the amount of damages arising from the construction of any part of the work hereby authorized, the said board shall have the right to condemn said property, or to have the amount of such damages ascertained, or both; and the proceedings for the condemnation of such property, or the ascertainment of such damages, or both, shall conform, as nearly as may be, to those specified and provided in the act entitled "An act to amend the law condemning right of way for purposes of internal improvement," approved June 22, 1852, and the act or acts of which the same is an amendment.

SEC. 10. The city of Chicago shall have the power to construct such aqueducts along the shore of Lake Michigan, or in the highways, or elsewhere in said Cook county, and to construct such pumping works, breakwaters, subsiding basins, filter beds and reservoirs, and to lay such water mains, and to make all other constructions in said county, as shall be necessary in obtaining from Lake Michigan, a sufficient and abundant supply of pure water for said city.

SEC. 11. Said city shall have the power to extend aqueducts or inlet pipes into Lake Michigan, so far as may be deemed necessary to insure a supply of pure water, and to erect a pier or piers in the navigable waters of said lake, for the making, preserving, and working of said pipes or aqueducts: *Provided*, that such piers shall be furnished with a beacon light, which shall be lighted at all such seasons and hours, as the light on the pier at the entrance of Chicago river.

To extend inlet pipes into the lake; to erect piers, &c.

SEC. 12. The board of public works are hereby empowered to issue all bonds now authorized to be issued under the law of this state, incorporating the Chicago City Hydraulic Company, approved February 15th, 1851, or the acts amendatory thereof, or under any law authorizing the issue of bonds for the construction of the water works for the said city of Chicago.

To complete the issue of certain bonds.

SEC. 13. For such expenditures, pertaining to the supply of water to the said city, as are hereby authorized, the said city shall have power to borrow, from time to time, as the board of public works and the common council of said city shall deem expedient, a sum of money not exceeding five hundred thousand dollars; and said board shall have power, by and with the approval of the common council, to issue bonds, pledging the faith and credit of said city, for the payment of the principal and interest of said bonds; but no bonds shall be issued, until the common council shall have approved of such issue, by a vote of a majority of all the aldermen by law authorized to be elected; and all bonds issued by the said board, before they shall be binding upon said city, shall be marked "approved" by the mayor and clerk of said city, under the seal of said city, and such signature and seal, shall be conclusive evidence to the holder of said bonds, of the fact of such approval: *Provided*, that all sales of water-loan bonds, which may be issued by said board, shall be made only by the comptroller of said city, who on making such sales, shall deposit the proceeds there-

City authorized to borrow \$500,000. for water works.

Bonds may be issued.

Bonds to be sold by comptroller.

Water funds
to be used
only for wa-
ter works.

of with the city treasurer, to the credit of the water fund, and shall file with the said board, a duplicate receipt of the said treasurer, for the amount of such deposit; *Provided*, also, that all funds derived from the sale of said water-loan bonds, or from water rents, or otherwise, for the water works of said city, shall be exclusively used and appropriated by said board, to the objects and purposes pertaining to the water supply of said city, herein specified, nor shall the same or any part thereof, be used by the said board, or by the said city, for any other purpose.

Board desir-
ing to issue
bonds, shall
report the
object to
council.

SEC. 14. It shall be the duty of the said board, at any time when they shall desire to make an issue of bonds, as herein authorized, to make a report to the common council, setting forth the nature and amount of the work proposed to be executed, and the amount which will be required by them for such purposes, within a period to be stated in said report; which report shall be accompanied by an estimate of the cost of the things required to be purchased, and of the work to be done; and the common council may thereupon, approve the issue of the whole amount of bonds called for by such report, or such part thereof, as the said common council may deem expedient.

Council to
approve.

Interest on
bonds limit-
ed to 7 per
cent.

SEC. 15. The said bonds shall bear interest at a rate not exceeding seven per cent. per annum, and shall not be sold at a rate which will net to the said board, less than their par value, unless the common council of said city, shall by a vote of a majority of all the aldermen elected, authorize the comptroller of said city to sell the same at a lower rate, and then, only at such rate as shall be fixed by said council: *Provided*, however, that reasonable commissions to brokers or agents employed in procuring the sale or negotiation of said bonds, may be paid by said comptroller.

Board to
keep a regis-
ter of all
bonds issued.

SEC. 16. It shall be the duty of the said board, to keep an accurate register of all bonds and all interest coupons, issued for the construction of said water works, showing the number, date and amount of each bond and coupon, and to whom issued

or sold, and when and where payable, and the particular bonds at any time outstanding.

SEC. 17. It shall be the duty of the comptroller of the city of Chicago, to keep such a record of all bonds, now or hereafter to be issued for the water supply of said city, as shall at all times, exhibit the number and amount of such bonds outstanding, the rate of interest, and when and where the principal and interest are payable.

Comptroller to keep a record of outstanding bonds.

SEC. 18. It shall be the duty of the comptroller of said city, to pay the interest on said water-loan bonds, and also the principal, as the bonds shall become due. The said comptroller, when there are funds for that purpose, may, with the approval of said board, purchase any such water-loan bonds, whether the same have become due or not; and in case there are not sufficient water funds in the treasury of said city, to meet all of the said bonds when the same shall become due, the said board shall have the right to issue new bonds, in the same manner as hereinbefore provided, for such amount, and on such time, as the said board and the common council shall deem expedient, in the place of the bonds so becoming due as aforesaid; the said old bonds, to be canceled in the registry thereof, and the said new bonds to be recorded in the manner hereinbefore provided.

Payments of interest and principal to be made by comptroller.

New bonds may be issued to pay those falling due.

SEC. 19. The said board of public works, shall, from time to time, assess as water rents or assessments, such amounts as they shall deem equitable, on any lots of land which shall abut or adjoin any street, avenue or alley in said city, through which the distributing pipes of the water works of said city are, or may hereafter be laid, which shall have a building or buildings thereon, which can be conveniently supplied with water from the said pipes; the said assessment shall be on the said lots and on the building or buildings thereon, whether the water from the water works of said city, shall be used in such building or buildings, or on such lot, or not; and the said assessment shall be and become, a continuing lien or

Board to assess water rents on lots and buildings.

Assessment a lien.

charge upon all such lots, and the building or buildings situated thereon.

Power to
attach me-
ters.

SEC. 20. The said board shall have power, to attach meters to any premises using water, to enable them to determine the amount to be assessed against such premises; and assessments so from time to time made, shall be a charge and lien on the lot and building or buildings situated thereon, as in the case of assessments otherwise levied, and be collected in the same manner as herein provided for other water assessments.

Record of
assessments.

SEC. 21. An accurate record of all water rents or assessments shall be kept, by said board, which shall be subject to inspection.

Time of pay-
ment to be
advertised.

SEC. 22. Ten days prior to the day designated by the board, for the semi-annual or other periodical payment of the water assessment, they shall advertise in the corporation newspaper of said city, or if there be no corporation newspaper, then in some other newspaper in said city, that the said water assessments, will at such time become due and payable; and if such assessments are not paid within thirty days from the day fixed as above, for their payment, then the said board shall have power, to add to such assessment, an amount not exceeding ten per cent. thereof; and on premises assessed, but not supplied with water, the said board may make a discount on the assessment, if the same be paid within periods to be fixed by the board.

If not paid
within 30
days, 10 per
cent. may be
added.

Collection of
assessments;
warrants to
be issued.

SEC. 23. It shall be the duty of the said board, to collect the water rents and assessments so assessed; and in case the payment thereof shall be neglected or refused, for thirty days after the time fixed for the payment of the same, as hereinbefore provided, then the said board may issue their warrants, under the corporate seal, and attested by the city clerk, directed to any constable of said city, commanding him to make the amount specified in such warrant, being the whole amount due at the date of the issue of such warrant, for water rents or assessments, as aforesaid, together

with the costs of advertising the same, and such fees as constables are entitled to, by the laws of this state, in the levy and sale of personal property upon execution, out of goods and chattels of the owner or owners of the lots and buildings so assessed, or of the owner or owners either of the lots, or of the building or buildings thereon, if the lot and building are not owned by the same person or persons; Levy. and the constable, in such case, shall levy under such warrant, upon any personal property of the person or persons against whom the same is issued, and shall sell the same at public auction, after giving ten days' notice of the time and place of sale, in some newspaper published in said city.

SEC. 24. Commencing with the year 1864, and annually thereafter, on or before the last day of October, the said board shall issue a warrant or warrants, under the corporate seal and attested by the city clerk, directed to the city collector, (charging him with the amount collectible thereon, and taking his receipt therefor,) commanding him to make the amounts set against the several lots or parcels of land described in said warrant, being the amount of water rents or assessments which shall remain unpaid on said lots, for the year ending May first, next preceeding the time of the issue of such warrants, out of the goods and chattels of the respective owners of said lots of land; and the same proceedings shall thereupon be taken with reference to said warrants, as with warrants issued by said city for the collection of assessments for the filling, grading or paving of streets; and they shall have the same force and effect, excepting, that the said collector shall pay over the amounts collected by him, to the said board of public works; and if any lots of land be struck off to the said city, at the sale for such water rents or assessments, as is provided in the case of other taxes or assessments, the certificates of the sale thereof, shall be issued to the said board of public works, and shall be held by them, for the use and benefit of the water works

Assessment warrants to be issued annually to city collector.

Proceedings thereon.

of said city. Said board shall have the same rights under such certificates, as other purchasers at tax or assessment sales, and said certificates shall be assignable, by the endorsement of the president of said board. Said warrants for the collection of water assessments, when issued to the said city collector, shall have the same force and effect, as warrants issued to the said collector by said city, for assessments for filling, grading or paving streets; like powers, rights and duties being hereby conferred and imposed upon the said city collector, and on all parties interested, except as provided in this section: *Provided*, however, that nothing in this section contained, shall be so construed as to prevent said board from resorting to any other method for the collection of water rents and assessments, which may be authorized in this chapter.

Assessments omitted or not collected, to be inserted in next year's warrant.

SEC. 25. If, in the issue of the said warrants to the said city collector for any one year, the assessments against any lot or lots should be omitted therefrom, or if from any cause, the assessments on any lots should not be collected under such warrants, the said board may, in their warrants to be issued the next year to the city collector, include such back assessments; or the amounts with which such lots are chargeable, may be collected out of the personal property of the owners of the lots, or of the buildings, as is hereinbefore provided, by the issue of the warrants of the board to any constable in said city.

Method of collecting water rents unpaid May 1st, 1863.

SEC. 26. For the collection of all water rents, or assessments, remaining unpaid on the first day of May, A. D. 1863, the said board may issue their warrants, as is provided in section twenty-three of this chapter; and such warrants shall authorize the sale of any house, or building, on which any lien shall have attached, by reason of such water rent or assessment, if the building and lot on which the same is situated, are owned by different persons; or, if the building and lot on which it is situated, against which such water rent is assessed, are owned by the same person, the said

board may, as soon after the first day of May, A. D. 1863, as shall be practicable, report to the common council of said city, the lots on which there shall remain unpaid such water rents or assessments; and the common council shall, thereupon, take the same proceedings, for the collection of such water rents or assessments, as are provided in this act for the collection of assessments for the repair of sidewalks; but any amount, collected under these proceedings, shall be paid over to said board; and certificates of sale of lots struck off to the city, shall be issued, as provided in the twenty-fourth section of this chapter.

SEC. 27. It shall be the duty of the board, to make all needful rules and regulations, concerning the use of water, supplied by the water works of said city, which regulations shall be printed in the water permits issued by said board, and, if rules and regulations are needed, other than what are now provided for in the ordinances of said city, it shall be the duty of the board, to report to the common council, the regulations which shall be adopted by them, to provide for such necessity, and the common council shall, thereupon, pass an ordinance establishing such rules and regulations, and providing penalties for their violation, which penalties may be enforced in any court having jurisdiction of any offenses against any of the ordinances of said city. In all cases, where said rules are not complied with, the said board shall have the right to stop or cut off the supply of water from premises where compliance with such rules is refused or neglected; and the shutting off of the water from such premises, shall not make void the assessment thereon, but they shall be held for the assessment, as in the case of lots which are not supplied with water, but which abut upon a street or alley where the water pipe is laid.

Board to make regulations concerning use of water.

Common council to provide penalties for their violation.

When rules are not complied with, water may be shut off.

SEC. 28. The said board are empowered to make connections between the water pipes and sewers of said city, and to furnish such amount of water, for the purpose of cleaning out such sewers, as shall be required, so far as the water can

Board may use the water to cleanse sewers.

be conveniently supplied by the water works of said city, without lessening the supply needed for the use of its inhabitants.

Surplus revenue from water works, how to be used.

Annual report to show amount of bonds and debts outstanding, &c.

SEC. 29. If there shall be an annual income or revenue, in any way, from the water works of said city, greater than is needed to pay the interest of the bonds issued for their construction, and to pay the current expenses of the works, and for maintaining them in thorough repair, then the said board shall have the power, to direct such excess of revenue to be used in the purchase of the outstanding water-loan bonds, or in making such additions to the water works of said city, as shall have been approved by the common council, or to direct such surplus funds to be invested in the purchase of other bonds of the city of Chicago. The annual report of said board shall specify, in full, what amount of surplus funds shall have been invested, and the nature and amount of the respective securities held by them. The annual report of said board shall also show the amount of water-loan bonds outstanding, and all debts outstanding on account of the water works, and the amounts due from parties to the city, for the water works, and shall accurately and clearly exhibit all the expenditures of the said board, on account of the same, which statement shall be certified by the commissioners of said board, under oath.

Board to report to comptroller am't of tax necessary to be raised annually.

SEC. 30. It shall be the duty of the said board, on or before the first day of May, in each year, to report to the comptroller, what, if any, sum will be needed by said board, over and above the revenue of said water works, to meet the payment of interest or principal of the said water-loan bonds, which said report shall be laid, by the comptroller, before the common council, with his annual estimate; and it shall be the duty of the common council to raise said amount, if approved by them, by a special tax, in the same manner as general taxes, to be designated water tax, or in such other way, as the said common council shall direct, and the said amount shall be paid over to the city treasurer, to be applied to the payment of the interest or principal of the water-loan bonds.

SEC. 31. The said board shall have power to authorize the comptroller of said city, to raise, by temporary loan, upon the credit of said city of Chicago, with the approval of the common council, such sums of money as may be needed for the payment of the interest on the said bonds, or the outstanding obligations of the said city, on account of the water works, and for which there shall be no funds in the hands of the treasurer of the said city; but, in all cases, such temporary loans shall be provided for, out of the first revenue received from the water works into the city treasury.

Temporary loans authorized in certain cases.

SEC. 32. All accounts pertaining to the water works of said city, shall be kept separate and distinct from the accounts pertaining to other departments of said board; and all moneys deposited with the city treasurer, on account of the water works, shall be, by him, kept separate and distinct from all other moneys, as the water fund, and shall only be applied for the uses and purposes for which the same were received; and such moneys shall be held, by the treasurer of the city, as a special fund, separate and distinct from other funds; and he shall be deemed guilty of embezzlement, if he shall pay out such moneys, for any account other than that belonging to such water fund, and shall be liable to indictment for so doing.

Waterworks' accounts to be kept separate.

Water funds to be used for no other purpose.

SEC. 33. If any person shall willfully do, or cause to be done, any act, whereby any work, material or property whatever, constructed, provided or used within the city of Chicago, or elsewhere, by the said board, or by any person acting under their authority, for the purpose of procuring or keeping a supply [of] water, shall in any manner be injured, or if any person shall willfully pollute the water, such person shall be subject to indictment, and upon conviction thereof, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding six months, or both, in the discretion of the court.

Penalty for willful injury to property of water works or polluting the water.

SEC. 34. All acts or parts of acts, inconsistent with the provisions of this chapter, are hereby repealed.

Repealing clause.

CHAPTER XVI.

CHICAGO SEWERAGE WORKS.

SECTION.

1. Board of public works to have charge of sewerage works.
2. Board to consider all matters in relation to drainage.
3. Power to purchase books and charts, and to make surveys.
4. Power to construct reservoirs and lay sewers.
5. Power to construct canals or sewers connecting the river and its branches with the lake; to construct dams and pumping works.
6. Power to purchase and convey real estate.
7. Power to enter upon land to make surveys and construct works; to agree with owners upon compensation to be paid for land taken.
8. Mode of ascertaining damages in case of disagreement.
9. Board to report to common council what changes are necessary in the grade of streets; council may establish and alter grades; street gutters may be so laid as to remove the surface water.
10. Sewers may be so constructed as to furnish proper connections with private drains; the additional costs to be assessed on lots benefited.
11. Costs of private drains to be a special charge on lots benefited.
12. Board to prescribe location and construction of private drains which connect with the public sewers.
13. Board to cause private drains to be laid, communicating with the sewers, from every lot requiring it; may enter upon any lot for this purpose.
14. Board may regulate the construction and cleansing of privies and cess-pools.
15. Board empowered to complete the issue of certain bonds heretofore authorized.
16. City authorized to borrow \$500,000, for sewerage purposes; bonds to be issued; how issued and by whom sold; sewerage funds to be used exclusively for sewerage purposes.
17. Board desiring to issue bonds, shall make a report and estimate to the common council of the purposes for which the bonds are to be used; council may approve.

SECTION.

18. Interest on bonds restricted to 7 per cent.; bonds not to be sold at less than par without consent of council.
19. Board to keep a register of all bonds issued.
20. Comptroller to keep a record of all bonds outstanding.
21. Interest on bonds to be paid by comptroller; also the principal when due; purchase of sewerage bonds by the city; new bonds may be issued to pay those falling due.
22. Board to report to comptroller on the 1st of May the amount required to pay interest on outstanding bonds.
23. Board to report, at same time, the amount required for sinking fund.
24. Board to report, at same time, the amount required for salaries, incidental expenses, and cleaning and repairing sewers.
25. The amount reported under last three sections to be raised by tax; treasurer to report monthly to board of public works the amount of sewerage tax collected.
26. Sinking fund to be invested in purchase of sewerage bonds or other bonds of the city; to be used for no other purpose than the liquidation of said bonds; annual report to specify the securities in which said fund is invested; also the progress and condition of sewerage works, amount of bonds and debts outstanding, amounts due, and all expenditures on account of the works.
27. Temporary loans authorized in certain cases.
28. Accounts pertaining to sewerage works to be kept separate; moneys deposited with treasurer on account of said works to be applied only for sewerage purposes.
29. Penalty for willful injury to sewers.
30. Board to make regulations concerning the public sewers; common council to provide penalties for their violation.
31. Provisions relating to sinking fund to be deemed as part of the contract with parties purchasing bonds.
32. Repealing clause.

Board of public works to have charge of sewerage works.

SECTION 1. The board of public works of the city of Chicago, shall have charge and superintendence of the sewers of said city, and of all works pertaining thereto.

SEC. 2. It shall be the duty of the said board, to examine and consider all matters relative to the thorough, systematic and effectual drainage of the city of Chicago, not only of surface water and filth, but also of the soil on which said city is situated, to a sufficient depth to secure dryness in cellars, and entire freedom from stagnant water, and in such manner as best to promote the healthfulness of said city.

Board to consider all matters in relation to drainage.

SEC. 3. The said board shall have power to purchase such books, charts and other works, as may be found necessary or useful, and to cause such surveys to be made within said city, and outside of its limits, as may be required in carrying out the objects of this chapter.

Power to purchase books and charts. To make surveys.

SEC. 4. The said board shall have power to construct reservoirs, and to lay sewers or drains in and through all the alleys and streets of the said city, and in any highway in Cook county, and also across all rivers and streams, not interfering with the navigation of the same, and through any or all breakwaters into Lake Michigan, whether within the limits of said city or not.

To construct reservoirs and lay sewers.

SEC. 5. The said board are hereby empowered, with the approval of the common council of said city, to construct canals or sewers connecting Lake Michigan with Chicago river, or its branches, and such other canals, ditches, dams, sewers, embankments, reservoirs, pumping works or other works, and such buildings, machinery and fixtures, as they may find necessary or useful for the carrying out of the purpose of this chapter, whether the same are made within or without the limits of said city.

To construct canals connecting river and its branches with the lake. To build dams, pumping works, &c

SEC. 6. The said board shall have power to purchase, hold and convey any personal and real estate, which may be necessary and proper to carry out the intention and objects of this chapter, but the title to all real estate purchased, shall be taken in the name of the city of Chicago, and no such purchase shall be made, without the approval of the common council being first had thereto.

To purchase and convey real estate.

To enter upon land to make surveys and construct works.

To agree with owners for land damages.

Mode of ascertaining damages in case of disagreement.

Board to report to common council necessary changes in grade of streets.

Street gutters may be so laid as to remove surface water.

SEC. 7. The said board are hereby authorized to enter upon any land or water, for the purpose of making surveys, or constructing any of the works authorized by this act, and to agree with the owners of any property, which may be required for the purpose of this act, as to the amount of compensation to be paid to such owners for the property so taken, or the amount of damages to be paid to such owner or owners, by reason of the construction of any of the works hereby authorized, but no such agreement shall be binding on said city, until first approved by the common council thereof.

SEC. 8. In case of disagreement between the board and the owners of property, which may, in the judgment of said board, be required for any of the purposes specified in this chapter, as to the amount of compensation to be paid to such owners, or in case such owner shall be an infant, a married woman, or insane, or absent from this state, or in case of disagreement between the said board and any owner or owners of property, touching the amount of damages arising from the construction of any part of the work hereby authorized, the said board shall have the right to condemn said property, or to have the amount of such damages ascertained, or both; and the proceedings for the condemnation of such property, or the ascertainment of such damages, or both, shall conform, as nearly as may be, to those specified and provided in the act entitled "An act to amend the law condemning right of way, for purposes of internal improvement," approved June 22, 1852, and the act or acts, of which the same is an amendment.

SEC. 9. It is hereby made the duty of the said board, to report to the common council what grade or changes of grade, of the streets and alleys of said city, are necessary, to secure their thorough drainage and sewerage, as is contemplated by this chapter; and the common council may thereupon by ordinance establish or alter such grades. The said board may make such arrangements or alterations of the gutters

along the streets and alleys, included in those parts of the city, the drainage from which, can be conveniently introduced into the sewers, as shall be necessary to cause a rapid and effectual removal of the surface water from the same; and to this end, may enter upon, use and obstruct the said streets, for such time as may be necessary to effect said object.

SEC. 10. The said board, while constructing the said drains or sewers, as herein provided, may construct such additions to the same, as they shall deem expedient, to furnish the proper plans of connection with the private drains or sewers to be thereafter constructed; and the cost of such additions, may be charged and assessed as a part of the expense of said private drains or sewers connecting therewith, when such private drains or sewers shall be constructed, and shall be chargeable to the lot or lots, for the benefit of which the same are constructed, and collected in the same manner as hereinbefore in this act provided for the collection of the costs of such private drains or sewers.

Sewers may be so constructed as to furnish proper connections with private drains.

Additional costs, how defrayed.

SEC. 11. The cost of the private drains and sewers, connecting the respective lots in said city with the public sewers, shall not be included in the cost of the general plan of sewerage, but the same shall be a special charge upon the lot or lots, for whose benefit such private drain or sewer shall be constructed, and shall be collected as hereinbefore in this act provided.

Costs of private drains chargeable to lots benefited.

SEC. 12. It shall be the duty of said board, to prescribe the location, arrangement, form, material and construction of every private drain or sewer emptying into the said public drains or sewers, and to determine the manner and plan of such connection; and the work of constructing the same, shall be, in all cases, subject to the superintendence and control of the said board, and shall be executed strictly in compliance with their orders.

Board to prescribe location and construction of private drains.

SEC. 13. It shall be the duty of the said board, to construct

Board to

cause private drains to be laid from every lot, if needed.

or provide for the construction of private drains or sewers, to communicate with the public drains or sewers, from every lot in the said city, which in their judgment requires it; and whenever the said board, by virtue of this act, are authorized to construct any such private drain or sewer, it shall be lawful for the said board, or their agents, to enter upon any of said lots and to construct thereon such drain or sewer, and for that purpose, to have free ingress and egress upon said lot or lots, with men and teams, and to deposit all the necessary building materials, and generally, to do and perform all things necessary to a complete execution of the work.

To regulate construction of privies and cess-pools.

SEC. 14. The said board shall have power to regulate the construction of privies, and the manner of cleaning the same, and to construct and regulate the construction of cess-pools, and provide for the draining of privies and cess-pools; and like notices shall be served, so far as may be, and like proceedings had, and like measures taken for collecting the cost and expense, as is hereinbefore in this act provided in the case of repairs of sidewalks.

To complete the issue of certain bonds.

SEC. 15. The said board of public works are hereby empowered to issue all bonds, now authorized to be issued under the law of this state, incorporating a board of Sewerage Commissioners for the city of Chicago, approved February 14th, 1855, and under an act in addition to the same, approved February 14th, 1859.

City authorized to borrow \$500,000, for sewerage works.

SEC. 16. For the carrying out of the purposes and objects of this chapter, the said city shall have power to borrow, from time to time, as the board of public works and the common council of said city shall deem expedient, a sum of money not exceeding five hundred thousand dollars, upon the credit of said city of Chicago; and said board shall have power, by and with the approval of the common council, to issue bonds pledging the faith and credit of said city, for the payment of the principal and interest of said bonds; but no bonds shall be issued until the common council shall

Bonds may be issued.

have approved of such issue, by a vote of a majority of all the aldermen by law authorized to be elected; and all bonds issued by said board, before they shall be binding upon said city, shall be marked "approved," by the mayor and clerk of said city, under the seal of said city, and such signature and seal shall be conclusive evidence to the holder of said bonds, of the fact of such approval: *Provided*, that all sales of sewerage-loan bonds, which may be issued by said board, shall be made only by the comptroller of said city, who, on making such sales, shall deposit the proceeds thereof with the city treasurer, to the credit of the sewerage fund, and shall file with the said board, a duplicate receipt of the said treasurer for the amount of such deposit: *Provided, also*, that all funds derived from the sale of the sewerage-loan bonds of said board, or otherwise, for the sewerage works of said city, shall be exclusively used and appropriated by said board, to the objects and purposes pertaining to the sewerage of said city, herein specified; nor shall the same or any part thereof, be used by the said board, for any other purpose.

Bonds to be sold by comptroller.

Sewerage funds to be used only for sewerage purposes.

SEC. 17. It shall be the duty of the said board, at any time when they shall desire to make an issue of bonds, as herein authorized, to make a report to the common council, setting forth the nature and amount of work proposed to be executed, and the amount which will be required by them for such purposes, within a period to be stated by them in said report; which report shall be accompanied by an estimate of the cost of the things required to be purchased, and of the work to be done; and the common council may, thereupon, approve the issue of the whole amount of bonds called for by such report, or such part thereof as the common council may deem expedient.

Board desiring to issue bonds shall report the object to council.

Council to approve.

SEC. 18. The said bonds shall bear interest not exceeding seven per cent. per annum, and shall not be sold at a rate which will net to the said board, less than their par value, unless the common council of said city shall, by a vote of

Interest on bonds limited to 7 per cent.

a majority of all the aldermen elected, authorize the comptroller of said city, to sell the same at a lower rate, and then only at such rate as shall be fixed by said council: *Provided*, however, that reasonable commissions to brokers or agents employed in procuring the sale or negotiation of said bonds, may be paid by said comptroller.

Board to keep a register of all bonds issued.

SEC. 19. It shall be the duty of the said board, to keep an accurate register of all bonds and all interest coupons, issued for the construction of said sewerage works, showing the number, date and amount of each bond and coupon, and to whom issued or sold, and when and where payable, and the particular bonds at any time outstanding.

Comptroller to keep a record of outstanding bonds.

SEC. 20. It shall be the duty of the comptroller of the city of Chicago, to keep such a record of all bonds, now or hereafter to be issued for the sewerage of said city, as shall at all times exhibit the number and amount of such bonds outstanding, the rate of interest, and when and where the principal and interest are payable.

Payments of interest and principal to be made by comptroller.

SEC. 21. It shall be the duty of the comptroller of said city, to pay the interest on said sewerage-loan bonds, and also the principal, as the bonds shall become due. The said comptroller, when there are funds for that purpose, may, with the approval of the said board, purchase any such sewerage-loan bonds, whether the same have become due or not; and in case there are not sufficient sewerage funds in the treasury of said city, to meet all of the said bonds, when the same shall become due, the said board shall have the right to issue new bonds, in the same manner as hereinbefore provided, for such amount and on such time, as the said board and the common council of said city shall deem expedient, in the place of bonds so becoming due as aforesaid; the said old bonds to be canceled in the registry thereof, and the said new bonds to be recorded in the manner hereinbefore provided.

New bonds may be issued to pay those falling due.

Board to report to comptroller amount re-

SEC. 22. It shall be the duty of the board, to report to the comptroller, on or before the first day of May in each

year, the amount which will be required to be raised for the municipal year next ensuing, to meet the payment of interest to accrue during said year on all the bonds theretofore issued, or which are, during said year, to be issued, for the sewerage of the said city.

quired annually to pay interest.

SEC. 23. It shall be the duty of the said board, further to report to the comptroller, at the time named in said last section, such amount as they shall, upon calculation, find necessary, in order to provide a sinking fund for the liquidation of the bonds, so issued as aforesaid, at the maturity thereof: *Provided*, that the amount to be raised for such sinking fund shall not exceed two per cent. of the amount of bonds theretofore issued, and which are, during said year, to be issued for the sewerage of said city.

To report amount necessary to be raised for sinking fund.

SEC. 24. The said board shall, at the same time, also report to the comptroller, the sum which will be by them required to pay salaries and incidental expenses, and for the cleaning and repairing, and for the proper maintenance of the sewers of said city. The reports required in this and the two preceding sections, shall be laid by said comptroller before the common council with his annual estimate.

To report amount required for salaries and maintaining sewers, &c.

SEC. 25. The amount which shall be so reported to the common council, as provided in said last three sections, shall be raised by the said common council, by a special tax on the property of the city, to be designated sewerage tax, which shall be collected in like manner with the other taxes of said city; and the amounts so collected, shall be paid over by the collector of said city to the city treasurer, who, at the end of each month, shall report to the board of public works, the amount of the sewerage tax paid over to him during such month.

Amount required, to be raised by tax

Treasurer to report monthly to board amount of sewerage tax collected.

SEC. 26. It shall be the duty of the said board, to direct the comptroller of said city, to invest the amount heretofore raised, or hereafter to be raised to provide a sinking fund for the liquidation of said bonds, and such investment shall be by the purchase of said bonds, or other bonds of the

Sinking fund, how invested.

city of Chicago; and in like manner to invest the interest received on such last mentioned bonds, and to invest and re-invest said sinking fund, and all proceeds thereof, in such manner as to make the same available for the liquidation of the said bonds. All such investments shall be made in the name of the said city, and shall be designated as the sewerage sinking fund, and shall in no case be used or appropriated for any other purpose whatsoever, than the liquidation of the said bonds. The annual report of said board shall specify in full, the nature and amount of the respective securities in which the said sinking fund is invested. The annual report of said board shall state the progress and condition of the sewerage works, shall also show the amount of sewerage-loan bonds outstanding, and all debts outstanding on account of the sewerage works, and the amount due from parties to the city for the sewerage works, and shall accurately and clearly exhibit all the expenditures of the said board on account of the same; which financial statement shall be certified by the commissioners of said board, under oath.

Annual report.

Temporary loans authorized in certain cases.

SEC. 27. The said board shall have power to authorize the comptroller of said city, to raise, by temporary loan, upon the credit of said city of Chicago, with the approval of the common council, such sums of money as may be needed for the payment of the interest on the said bonds, or the outstanding obligations of the said city on account of the sewerage works, and for which there shall be no funds in the hands of the treasurer of the said city; but in all cases, such temporary loans shall be provided for out of the first sewerage tax, or other revenues on account of the sewerage works, received into the city treasury.

Sewerage accounts to be kept separate.

SEC. 28. All accounts pertaining to the sewerage works of said city, shall be kept separate and distinct from the accounts pertaining to other departments of said board; and all moneys deposited with the city treasurer, on account of the sewerage works, shall be by him kept separate and

Sewerage funds to be used for no

distinct from all other moneys, as the sewerage fund, and shall only be applied for the uses and purposes for which the same were received. other purpose.

SEC. 29. If any person shall willfully or maliciously obstruct, damage or injure any public or private sewer or drain in said city, or willfully injure any of the materials employed, provided or used in said city for the purposes specified in this act, he shall be subject to indictment, and upon conviction thereof, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding six months, or both, in the discretion of the court. Penalty for willful injury to sewers.

SEC. 30. It shall be the duty of the board, to make all necessary rules, regulations and restrictions concerning the public and private sewers or drains of said city, and to report to the common council the regulations which shall be adopted by them; and the common council shall thereupon pass an ordinance, establishing such rules and regulations, and providing penalties for their violation; which penalties may be enforced in any court having jurisdiction of any offenses against any of the ordinances of said city. Board to make regulations concerning sewers.

SEC. 31. The provisions hereinbefore contained, for the establishment of a sinking fund, shall be deemed and taken as a part of the contract with the parties purchasing said bonds, and shall not be repealed or modified, so as in any manner to impair the security thereby afforded to the said bond holders. Common council to provide penalties for their violation.

SEC. 32. All acts or parts of acts, inconsistent with the provisions of this chapter, are hereby repealed. Sinking-fund provisions deemed part of contract with purchasers of bonds.

Repealing clause.

CHAPTER XVII.

MISCELLANEOUS AND SUPPLEMENTARY.

SECTION.

1. Ordinances imposing penalties to be published six days, before taking effect.
2. Ordinances to continue in force.
3. All actions and rights preserved.
4. Rights of property vested in the corporation; officers to continue until superseded.
5. No act invalidated or right divested by reason of this act.
6. No person incompetent to act as judge, witness or juror because an inhabitant of the city.
7. Powers of conservators of the peace.
8. Cemetery lots exempt from levy and attachment.
9. Criminals convicted in recorder's court may be sentenced to bridewell, instead of county jail.
10. City not liable for board or jail fees of persons committed to county jail.
11. City not required to furnish an appeal-bond or affidavit of merits in any suit; execution not to be issued against the city.
12. Ordinances, when published by authority, shall be evidence without proof.
13. This act a public act; courts to take judicial notice of it.
14. Certain acts respecting wharfing privileges in Chicago, continued in force.
15. Board of Claims' Commissioners abolished.
16. Special provision concerning first election of aldermen under this act.

SECTION.

17. Special provision concerning present commissioners of board of public works and board of police; election of their successors.
18. Police justices may be appointed after first Monday of May, 1863, to succeed those then in office.
19. Special provision concerning present guardians of reform school; appointment of their successors.
20. Ward supervisors now in office shall continue to serve until their present term expires; one supervisor to be elected in each ward at future elections for town officers.
21. Certain offices in and for the towns of North, South and West Chicago abolished; compensation of town clerk for each of said towns not to exceed \$100 a year; annual tax for town purposes restricted therein to \$1000; school and other property, belonging to said towns, to be transferred to the city.
22. First election of city officers, under this act, to be held on third Tuesday of April, 1863.
23. This act shall not be construed to extend to any railroad company any new rights or privileges.
24. Special provisions respecting the use of the railway tracks of any company, in the streets and alleys, by other companies.
25. This act to take effect from its passage.

Ordinances imposing penalty, to be published six times.

SECTION 1. Every ordinance, regulation or by-law, imposing any penalty, fine, imprisonment, or forfeiture, for a violation of its provisions, shall, after the passage thereof, be published six times in the corporation newspaper, and proof of such publication, by the affidavit of the printer or publisher of said newspaper, taken before any officer authorized to administer oaths, and filed with the city clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance or by-law, in all courts and places.

SEC. 2. All ordinances, regulations and resolutions, now in force in the city of Chicago, and not inconsistent with this act, shall remain in force, under this act, until altered, modified or repealed by the common council, after this act shall take effect.

Ordinances now in force, to remain in force.

SEC. 3. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accrued under the several acts consolidated herein, shall be vested in, and prosecuted by the corporation hereby created.

Existing actions and rights vested in corporation.

SEC. 4. All property, real, personal or mixed, belonging to the city of Chicago, is hereby vested in the corporation created by this act; and the officers of said corporation, now in office, shall respectively continue in the same, until superseded in conformity to the provisions hereof; but shall be governed by this act, which shall take effect from and after its passage.

Property vested in corporation.

SEC. 5. This act shall not invalidate any legal act done by the common council of the city of Chicago, or by its officers; nor divest their successors, under this act, of any rights of property or otherwise, or liability, which may have accrued to, or been created by said corporation, prior to the passage of this act.

This act not to invalidate prior acts or rights.

SEC. 6. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Chicago, in any action or proceeding, in which the said city shall be a party in interest.

Citizens competent as witnesses or jurors.

SEC. 7. All officers of the city, created conservators of the peace, by this act, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break, or threaten to break the peace, and, if necessary, detain such persons in custody over night, in the watch-house, or other safe place; and shall have and exercise such other powers, as conservators of the peace, as the common council may prescribe.

Powers of officers created conservators of the peace.

SEC. 8. The cemetery lots, which have been, or may

Cemetery

lots exempt
from execu-
tion.

hereafter be laid out and sold, by said city, for private places of burial, shall, with the appurtenances, forever be exempt from execution and attachment.

Recorder
may sen-
tence crimi-
nals to bride-
well.

SEC. 9. It shall be lawful for the recorder's court, to sentence criminals, convicted of offenses committed in the city of Chicago, punishable by imprisonment in the county jail, to imprisonment in the city bridewell, to be there kept at labor.

City not lia-
ble for board
of prisoners
in jail.

SEC. 10. The city of Chicago shall not be liable, in any case, for the board or jail fees of any person who may be committed by any officer of the city, or by any court or magistrate, to the jail of Cook county, for any offense punishable under the statutes of this state.

City not re-
quired to fur-
nish an ap-
peal bond, &c.

SEC. 11. When in any suit, the city of Chicago prays an appeal from the judgment of any court in this state, to a higher court, it shall not be required to furnish an appeal bond; nor shall any affidavit of merits be required of said city, in any suit to which it is a party defendant, to entitle it to defend the same. No suit shall be brought against the city, except in a court of record; nor shall any writ of execution be issued for the collection of any judgment recovered against said city.

Printed or-
dinances to
be received
in evidence.

SEC. 12. All ordinances of the city, when printed and published by authority of the common council, shall be received in all courts and places, without further proof.

This act pub-
lic.

SEC. 13. This act shall be deemed a public act, and may be read in evidence, without proof; and judicial notice shall be taken thereof, in all courts and places.

Wharfing
privileges.

SEC. 14. Nothing in this act contained, shall be held to repeal either of the following acts, to wit: "An act to adjust and settle the title to the wharfing privileges in Chicago, and for other purposes," approved February 27th, 1845, and "An act to amend an act entitled 'An act to adjust and settle the title to the wharfing privileges in Chicago, and for other purposes,' approved February 27, 1847, and in relation to wharves and docks in said city," approved Feb-

ruary 11th, 1853; but both of said acts, with the exception of the fifth section of the first mentioned act, are hereby ratified and continued in force.

SEC. 15. Section sixty-six and a half of the act amendatory of the city charter, approved February 18th, 1861, constituting a board of Claims' Commissioners in and for said city, is hereby repealed. Claims' commissioners.

SEC. 16. All aldermen now in office, and whose terms, by virtue of previously existing laws, will not expire until the year 1864, shall represent in the common council, the respective wards in which they reside, as the same are hereby established, to the end of the term for which they were chosen; but, if, in any case, more than two such aldermen shall happen to reside in the same ward, two of them, to be designated by lot, shall retain their seats as above provided, and the other or others shall retire from office on the first Monday of May next. Two aldermen shall be chosen, at the next annual election, in each of said wards which would not otherwise be fully represented in the common council; but no alderman shall be then chosen in any ward, which, by virtue of the provisions of this section, will be fully represented in the common council during the ensuing municipal year. First election of aldermen.

SEC. 17. One commissioner of the board of public works, shall be elected, at the next annual election, to succeed the commissioner whose term of office will expire on the first Monday of May next. That one of the other two commissioners, now in office, having the shortest term to serve, shall continue in office until the first Monday of May, 1865, and the one having the longest term to serve, shall continue in office until the first Monday of May, 1867, at which several times their respective terms of office shall expire. The provisions of this section shall also extend to and include the commissioners of the board of police, except as to the time of their continuance in office, which shall be until the first Monday of May 1864, for the one having the Present commissioners of boards of public works and of police, continued in office; election of their successors.

shortest term to serve, and until the first Monday in May, 1865, for the one having the longest term to serve.

Police justices to be elected in May to succeed those then in office.

SEC. 18. Any vacancy now existing in the office of police justice, or which may occur before the first Monday of May next, may be filled in the manner prescribed by present laws; but the police justices then in office, shall hold only until the election and qualification of their successors.

Guardians of reform school continued in office.

SEC. 19. The two guardians of the reform school, now in office, having the longest term to serve, shall continue in office until the first Monday of June, 1865; the two guardians having the next longest term to serve, shall continue in office until the first Monday of June, 1864; the other three guardians shall continue in office until the first Monday of June next; at which several times, their respective terms of office shall expire.

Ward supervisors.

SEC. 20. The supervisors now in office, who were elected from the different wards of the city of Chicago, as they were heretofore constituted, shall continue in office until the expiration of the term for which they were chosen. At all future elections for town officers, one supervisor shall be elected in each of the wards of said city, as the same are hereby established.

Certain town offices abolished in North, South and West Chicago.

SEC. 21. The offices of overseer of the poor, commissioner of highways, overseer of highways and pound master, in and for the towns of North Chicago, South Chicago and West Chicago, respectively, are hereby abolished; and hereafter, the town clerk of neither of the said towns shall receive for his official services, a compensation exceeding one hundred dollars a year; nor shall it hereafter be lawful to raise a tax for town purposes, in either of said towns, exceeding one thousand dollars a year, in any one year. All school property, and all other public property of every description, in the towns of North Chicago, South Chicago and West Chicago, shall belong, and be forthwith transferred to the city of Chicago. All moneys

Tax for town purposes.

Transfer of town property to city.

in the hands of the treasurer of Cook county, or in the hands of any town officer or agent, collected or raised for school purposes, or for the construction or repair of highways or bridges, in either of said towns, including money received for licenses, and all such moneys as shall hereafter come into the hands of said treasurer, or other officer, shall be paid over to the treasurer of the city of Chicago; and said moneys shall be applied by said city to the purposes for which the same were collected or raised.

SEC. 22. The first election of all city officers to be chosen by the people, shall be held, except as is herein otherwise provided, on the third Tuesday of April next.

First election of city officers by the people.

SEC. 23. This act shall not operate or be construed, to extend to any railroad company any rights, privileges or benefits, which they do not now possess under their respective acts of incorporation or existing laws.

Railroad companies to derive no new rights from this act.

SEC. 24. Whenever any railroad or railway company, which has been heretofore, or may hereafter be authorized to extend its railway tracks along the streets and alleys and across the waters controlled by the city, within the limits of said city, shall desire to use the track or tracks of any other railroad or railway company, in said streets and alleys and across the waters controlled by said city, within said limits, for the passage of their cars and engines, and the transaction of their business, or either, it shall be lawful for such company to apply, by petition, to the judge of the circuit court of Cook county for such leave; and the owner or owners of such track or tracks, so desired to be used, having been first notified to appear and answer to such petition, it shall be the duty of said court, to appoint three commissioners, to determine the time or times, mode, manner, extent and rates, at which such track or tracks may be used as aforesaid; and the said commissioners shall grant a certificate to the party or parties so applying, setting forth in such certificate their decision; and the party applying as aforesaid, acting in pursuance of said

Use of the railway tracks of any company in the streets and alleys, by other companies.

certificate, shall be authorized to use such track or tracks, in compliance with such certificate. An appeal may be taken, by either party, to the circuit court of Cook county, from such decision. All proceedings in said court and before said commissioners, when so appointed, shall be conducted in the manner provided for the condemnation of rights of way, in an act to amend an act entitled "An Act to amend the law condemning right of way for purpose of internal improvement," approved June 22d, A. D., 1852, and the amendments thereto. The provisions of this section shall not authorize the use of the railway track of any party, for the running of the regular trains of another party, or in such manner as in any way to interfere with the running of the regular trains, or materially with the general business of the party owning such railway track; and such use of such railway track, and the cars and engines passing over the same, shall be under the exclusive direction and control of the superintendent of the railway, the track of which is so used, and shall be limited to the railway tracks laid down in, along and over the streets, alleys and waters of said city, as hereinbefore stated. Whenever, by the use of any such track, under any decision made as above specified, either party shall deem the terms of said use unjust or inequitable, or to require revision, he or they may have a re-adjustment of the same, upon application and hearing in the manner herein above provided.

Act to take
effect from
its passage.

SEC. 25. This act shall take effect from and after its passage.

APPROVED February 13, 1863.



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